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TESTIMONY

IN RELATION TO

THE UTE INDIAN OUTBREAK,

TAKEN BY

THE COMMITTEE ON INDIAN AFFAIRS

Of the House of Representatives.

MAY 1, 1880.—Ordered to be printed.

WASHINGTON, *January 15, 1880.*

CHARLES ADAMS sworn and examined.

By the CHAIRMAN:

Question. State your occupation and residence.—Answer. I am a special agent of the Post-Office Department, stationed at present in Colorado.

Q. This committee has in charge the investigation of the recent Ute outbreak, and desires to know all that you know in regard to it. You will therefore please go on and state your opportunities for knowing, what you do know, and all you know, in regard to it.—A. Some time in September last, I think about the 24th, I was asked by Governor Pitkin, of our State, while I was in Denver, to come to his office and meet Secretary Schurz, who at that time was in Denver. I came to his office. While there the question came up as to what could be done with the White River Indians, against whom a detachment of troops was then marching, and Governor Pitkin suggested that if I could go there in advance of the troops, probably the difficulty, if any difficulty there should be, might be avoided. The Secretary asked me whether I could go. I told him I belonged to the Post-Office Department and could not go unless so directed by the Postmaster-General. He was then about writing a telegram to the Postmaster-General, when it struck me that I had to go to New Mexico about that time to attend some cases in court, and I could not go any way without detriment to the postal service; but I agreed that as soon as I could come back from New Mexico I would go, and do my best with the Indians and try to settle the matter amicably. It seems there was some charge that the Indians had burnt some grass and timber, and also houses, on Bear River, outside of their reservation, and that the soldiers were sent down to arrest the perpetrators. I went to New Mexico, and returned to Colorado on the 7th of October, and then first heard of the fight with the soldiers and also of the massacre of the agent. On the 14th of October I received a telegram from the Secretary, and also a telegram from my department,

the latter detailing me temporarily to the Interior Department, and the former giving me instructions how to proceed. I was to go to the Southern Agency, see Ouray, the chief of the Utes, put myself in communication with the hostile Utes, and try and obtain the release of the women and children who were then supposed to be in their camp. Nothing definite was known whether they were alive or dead, but it was supposed that they were alive and captives in the camp. If that was agreed to without any conditions, I was to ascertain whether the Indians wanted to prolong the fight, or whether they would be willing to give up the principal instigators of the massacre and resume their relations with the government. I started, taking two or three men with me, and also some Indian chiefs, and went to the hostile camp. I think I arrived there on the 21st of October, about ten o'clock in the morning, at the small camp; there were only about ten or fifteen lodges of Indians there. A boy that we met about a quarter of a mile away told me that the prisoners were scattered—that is, one woman was in one house at the lower end of the camp; another one in the center, and another above. I went to the lower end first, and by inquiring I saw Miss Meeker (this young lady here) peeping out of a tent. I dismounted and asked her who she was, not knowing her personally at that time, and told her that I had come to release her, and asked her where her mother and the other women were. I then mounted again and told Miss Meeker to get ready to leave, if possible, that afternoon. I went up to the upper camp and found all the Indian men, probably about thirty or forty, in a tent together talking very boisterously. I went inside. I knew them all personally, but none of them would speak to me. I found at once that there was a certain hostility amongst them towards me, but was asked to wait, that they had sent for the principal chief, Douglas, that he would come very soon, and then we could talk the matter over.

I inquired for the other captives, and was told that they were hidden in the brush about 200 yards distant down a steep bank towards the river. I waited for about an hour, when Chief Douglas, with probably five or six other chiefs, rode up. He informed me that the soldiers were advancing from White River, and that the whites were hostile, and he did not see why he should give me those women. He asked whether I had any conditions to offer for the release of them. I told him I had not; but after he had given them up to me I might then have something further to say. He drew a map on the ground, saying that the soldiers were building a wagon road and advancing rapidly towards Grand River. I told him that, from my understanding of the instructions from Washington, I had supposed that at the same time that I entered their country the commanding officer of the soldiers had also received orders not to advance any farther from where he might be at the time, and if they had come there building a wagon road before I had left Ouray's house, I thought they would stay there and not come any farther. He then asked me, "Will you go and see them, and if they are coming farther, stop them?" I said, "I will go to their camp after you give up the women." He then invited me inside, into the lodge where all the others were talking, and I believe they talked there until about four or five o'clock in the afternoon, some in a very hostile manner, others in a peaceful manner. One of the Indians that I had taken with me could speak Spanish, and through him, as interpreter, I had several remarks to make to them, but always to the effect that they must first give up these prisoners without conditions, and then I might perhaps be able to do something for them. They said that they had not been will-

ing to go into this fight; that the fight had been forced upon them; that the soldiers had come there without any cause whatever. I paid very little attention to their excuses at that time, but said that if these women were started on their way home I would then go to the main camp (this being only a small one) and get all the chiefs together and talk it over. So finally they agreed to give them to me. They said "We don't want to have anything more to do with the government. All that we want is that the soldiers shall not pursue us in our own country. We can live on game, as we have lived before, and do not desire to have anything to do with the government, but we give these women to you, and if you can do anything for us afterwards, all right." So I immediately had the old lady Mrs. Meeker, and Mrs. Price brought up out of the brush. I then said that I wished those three women to come together that night, Miss Josephine having been kept in another part of the camp, and that they should start the first thing in the morning. The Indians promised it, and I made arrangements for saddles and animals for next morning, and then I immediately saddled up and went with Douglas down to the main camp. Before that, when I first met Miss Meeker, I asked her the question, "Do you know who of these Indians killed your father and the other employés." She answered, No, she could not tell. I then asked her how the Indians had treated her. She said, "Well, better than she had expected." I asked her whether they had offered her any indignity to her person. She made the off-hand remark, "O, no, Mr. Adams, nothing of that kind." Then later on, when I met Mrs. Meeker, she asked me whether their release would make peace with the government for the Indians. I said, "No." Mrs. Meeker was very willing to talk of who had abused her, but Chief Douglas and other chiefs stood around her so close that with her I could not possibly speak about the murders, because if they had thought that I was making any investigation there I considered my life and others in danger too. But I got Mrs. Price, the other captive, accidentally alone, and I asked her the question whether any indignity had been offered to her. She said, "No." I thereupon wrote the dispatch to the Secretary that the women had been given up and no indignities had been offered to them. My horse was waiting at the time. This dispatch was given to an Indian who was to carry it back to Ouray's house, probably 120 miles distant; from there to Lake City; from there to Del Norte—probably four or five hundred miles altogether. I then went on with the Indians to the main camp, and reached there about 11 o'clock that night. All the chiefs had assembled. One had gone ahead and told them that I was coming. I might here say that a gentleman whom I met accidentally on the train, and who asked me to allow him to go along with me, Count Dönhoff, secretary of the German legation in Washington, accompanied me on the trip. The Indians were all in the tent of a chief called Sawawick, and in this tent we sat up all night, and they told me their story, and asked me to report that story to Washington. Chief Jack was the spokesman that night. He said that he had tried his utmost to avert the fight, but that the agent had told him that the soldiers were bringing a wagon-load of handcuffs and shackles and ropes, and that some of them would be hung, and others taken out as prisoners; that they had also gone to meet Major Thornburgh, and asked him to keep his troops outside, as their women and children would become frightened if they all came there, and asked him with some of his men to come to the agency; and on refusing that, they proposed that he should come about half way between where he was then encamped and the agency, and that they

would go back and tell their agent and some of their chiefs to come and meet him, and talk the matter over, and see what he actually wanted; that instead of his doing as he had promised, they got notice in their camp that he was advancing with his whole command across the place where he had promised to meet them alone; that thereupon they withdrew to the side of the road, to see that only the wagons were going on, and while off the road on a small trail, the first they saw was the soldiers also advancing on this trail, off the main road; and that the soldiers evidently came to fight them, because they were deployed in skirmish line, and that then the soldiers commenced firing on them. That was their story in camp. They said also that then, after some of their people had been killed, some of the young men rushed back to the camp and notified the others that the soldiers were killing their people, and that thereupon they had killed Mr. Meeker and the employés, laying all the blame on Mr. Meeker. I asked them the question why they had killed the freighters on the road, but they declined to answer. I found that it was better for me simply to listen to their story—to put no questions to them at that time. I immediately saw that when I went into the questioning about these freighters, they did not want to answer. About ten o'clock next morning we saddled up, and rode up Grand River towards White River. I had asked for an escort of four or five Indians to go with me, inasmuch as some of the Indians were ahead on the road, and those, with two of the chiefs that I had brought with me from the Southern Agency, I thought sufficient. But when I started out the crowd kept increasing until there were about twenty-five with me, and they kept so very close around me, and from their whole movements I saw that I was more of a prisoner than anything else. About noon that day, just after crossing Grand River, away ahead, I saw an Indian coming towards us at a very fast gait. Some of the Indians also saw him at the same time, and they galloped up ahead very fast. I then saw several loose ponies with saddles on, coming over the trail following the first one, and pretty soon two more Indians, mounted. I rode up leisurely. When I came up I found them gesticulating and talking very loudly, and from some words that I understood in Ute, and the motions they made, I saw at once that they had had another fight, and it took some ten minutes before even the chief that came with me, Sapovanero, would speak to me. All of them looked very morose and hostile; but finally, after talking among themselves awhile, Sapovanero turned around and said, "It is all right; the Indians and the soldiers have had another fight, and two Indians were killed and two white men; so it is all right." He then explained that there had been a party of about twelve Indians some twenty-five miles from White River, on the high peaks of the mountains, watching the soldiers, and they had seen a party of seven come out from the camp, who had unsaddled and stopped for lunch, probably within 200 yards from the camp of the Indians (which was on a little creek), where four or five of them were, while the rest were up on the mountains. This party of seven, partly soldiers, partly citizens, were considered by them as being on a hunt, and they did not think any harm of it, but all at once two of the party started one way and five in another direction, and one of the men came very close to the Indians and shot at a deer, which are very plenty in that neighborhood. One of the Indians went up on a rock to see if the deer had been hit, and while doing so, the white men discovered him and killed him. Then the other four immediately jumped for their arms and killed the white man as well as the officer with him, and then all the other Indians from the mountains joined them also and they went in pursuit of the other five white men, in-

tending to kill them. They corraled them in the ravine until night, and during that time another Indian was killed. That night they went back to the camp at White River. That was their story of that affair, in which Lieutenant Weir and Scout Humé were killed. That night we camped on Grand River. The next morning we started on. About noon we met two or three other Indians, who told the same story. They also had been in that fight. Very soon afterwards, about the place where this fight had occurred, one of the Indians told me that he had seen the head of a horse some two or three miles in advance on the road, and he did not want to go any farther, and he asked me to go on alone. So we took our handkerchiefs out and tied them to poles, and Count Dönhoff and myself went ahead to this place where the Indian had seen the horse, and found two or three loose horses only. I then said to Count Dönhoff, "I will go on slowly, and you ride back and tell the Indians to come; that there are no soldiers here," and he did so. I rode ahead quietly, and just as the count and these Indians, some twenty-five in number, were riding pretty fast to overtake me, I saw the soldiers ahead; in fact they were all around us at once. My Indians also saw them in a moment and ran off to the mountains, leaving me and Count Dönhoff alone. We kept on, but the soldiers did not seem to recognize us; at any rate they kept skirmishers all deployed, and kept coming closer and closer around us, and some of them were even dismounted and were ready to fire, but fortunately an officer, who was a little ahead, saw me and came and conducted me to the commanding officer. I then learned that Colonel Sumner had come out to find the bodies of those men who had been killed or that were supposed to have been killed the day before, and I told him I thought I could get the Indians to find them for him, inasmuch as they had talked the affair over very fully, although I had none of the Indians with me that had been in that fight. There were some threatening remarks made by some of the scouts to the effect that it would be a good thing to shoot us, but nothing of that kind happened. I went back to get the Indians to come; Colonel Sumner promising to take in his lines. He said he had been informed that there were more than 300 Indians in front. I told him that there were not more than twenty-five, and that they would come with me. He did not seem to believe me at first, and from what afterwards happened I did not think he believed me anyway. I went back and signaled to the Indians on the mountain-side to come down, and one of them, the chief Sapovanero, came down and met me on the road, we two all alone. I told him that the soldiers had simply come to find the bodies, and that if he would call the others down from the mountain they could find the bodies and we could all go to the camp at White River. While we were talking, I saw another company come right behind us, cutting us off from the road and from the other Indians on the mountain. The Indians on the mountain hallooed to the chief who was with me and he looked around and saw the soldiers, and at once accused me of betraying him. He hadn't time to get his gun out or I think he would have fired at me. He ran right back and almost through the soldiers and up to the mountain. I went after him and told him that if there was any treachery it was not on my part, and that if such was the case I would rather stay with the Indians than the soldiers. Some of the soldiers came round and I rode up to one of the officers, a sergeant, and asked him what he meant. He said he had not heard any orders to the contrary. I told him I had heard the bugle very plainly, sounding the retreat to the main column. I rode back to Colonel Sumner, who was following me closely with his whole column, and asked what this meant.

He said there was a misunderstanding, that there was one company that had not heard the signal. The soldiers were then recalled. I told Colonel Sumner that the Indians were under the impression that I had used treachery, and I said that they must be disabused of that idea, and asked him to send an officer and a trumpeter with me to meet them, which he agreed to do. The Indians from the mountains were circling round, and they met me again about three miles off, standing in line. I rode up and explained everything, and in a few minutes they found the bodies. The bodies were buried, but the Indians would not come to White River.

By Mr. HASKELL:

Q. Where was this place?—A. About twenty-five miles south from White River on the divide between Grand River and White River.

Q. How far from those camps where you found the captives?—A. Probably 60, or perhaps 80 miles.

Q. Which direction from the point where the soldiers met you were the camps?—A. South-southeast. The large camp, the main camp of the Indians, was on Grand River at the mouth of Roon River.

Q. A hundred miles south of White River Agency?—A. Yes, sir; and the camp where the women were was about twenty miles farther, on a small tributary of Plateau Creek. Next morning I saw General Merritt and asked him what his instructions were. He said he had been advancing and had built this road in order to follow the Indians up south, when he received orders to stop until I should get through with my mission, and that he had come back to White River and made his camp there, and was waiting for further orders; and he intimated that his remaining or advancing depended in a measure upon my success amongst the Indians. I told him what I had accomplished, and wrote quite a lengthy telegram to the Secretary of the Interior, and showed it to General Merritt. He read it and said that under such circumstances he would have to stay where he was. Before I entered the camp of the soldiers, the Indians made me promise that I would come back that way and inform them of what the troops were going to do. I had to make the promise, and I told them I would stay one day in the camp of the soldiers, and would be back the next day at noon; so General Merritt and myself agreed that he would telegraph to Washington for further instructions, stating the success that I had had, and that I should go back and see that these women were actually sent off, as it might be possible that the Indians had kept them, because they had insisted that if I would go first to White River and stop the soldiers they would then give me the women and let me go back with them, but I had always rejected that proposition, so I thought it possible that they might not have kept their promise. At any rate, General Merritt promised that he would give ample time for me to get back, which would take five or six days—he said that he would have to wait that length of time any way, in order to receive instructions from his superiors, and that then the War Department, or the War Department and the Interior Department together, must decide. I had sent dispatches and so had he. I went back and met the Indians at the same place; in fact, before that they had been on the mountains watching to see whether I would come back or not. I went back with them to their camp. When I arrived there, I found two white men who told me that they were employes of the Uinta Agency, and that they had been sent there by the agent in Utah to try to get these women released. One of them could speak Ute, and their whole actions in the camp made me think that they were not

what they pretended to be, and I have since learned that they were Mormons who came there to influence the Indians.

Q. Did you learn the names of those parties?—A. Yes, sir; they told me their names at that time. One of them I have forgotten; the other I think was Dilmar. They asked me to give them a letter to General Merritt, inasmuch as they did not want to go back across the country the same way they came, and I did give them a letter just stating that they represented themselves so and so. They afterwards did go to General Merritt's camp, and all I know further about them is from dispatches that I have read stating that they told General Merritt that they had represented themselves to the Utes as Mormons, so as to avoid being killed or interfered with.

By Mr. WADDILL:

Q. Do you say they afterwards turned out be Mormons?—A. No; I do not say that; but I say that they represented themselves to be Mormons, and I rather think they were Mormons. Chief Ouray told me that they were Mormons sent there to talk to the Indians.

By the CHAIRMAN:

Q. For what purpose?—A. From Ouray's statement, for the purpose of keeping the Indians in hostility to the government.

By Mr. WADDILL:

Q. But you say they represented themselves as having been sent by the agent at Uinta?—A. To me they did.

By Mr. POEHLER:

Q. You have learned nothing definite in regard to them since, I suppose?—A. No, sir; we arrived back at the camp about noon the next day; staid there all night; rode back about daylight towards the small camp; found that the Indians had kept their word, and that the women had gone, and then left and arrived next day at Ouray's house. While at the Indians' camp and talking it all over again, the Indians being so very anxious to make peace and to have no further trouble with the government, even the women and children coming to me crying and begging me to keep the soldiers away, I came to the conclusion that the matter could be settled satisfactorily to the government by the surrender of those Indians that were actually guilty. I found that only about 60 or 70 had been engaged in the fight with the soldiers, and that only about 20 had been engaged in the massacre at the agency. I found out from several of the chiefs whom I had known for some years that such was the case; that not all of them had been in the fight or in the massacre, and that they were willing that the guilty ones, or those whom the government wanted, should be given up. So, when I returned to the Los Piños Agency, I wrote a dispatch to that effect to the Secretary, telling him that I thought an investigation would bring these parties to light, and that the interests of Colorado required that the soldiers should not advance. The Indians told me themselves that if the soldiers should come, it would be only one day's march for them (the Utes) over into the Gunnison settlement, where there were some five or six hundred settlers; that they could strike that settlement in a day or two before any soldiers could possibly get there, and that a great many people would be killed. I also learned from General Merritt that his soldiers were very illy provided; that they had left Fort Russell in a great hurry, and had only the clothes they were wearing and one blanket apiece, and that they were hardly in a fit condition to follow the Indians. I had described the country to him as it was—no grass between

the point he was at at the White River and the camp where the Indians were, a hundred miles off, the whole country barren, just dotted with sage brush, and with hardly any grass at all. In fact, at one time, after passing a little patch of grass, we had to travel twenty miles in order to find enough feed for our ponies—a party of twenty-five. I represented these facts to General Merritt on his asking me what kind of a country it was; but his animals, at the time when I was there, were suffering from want of feed; he had nothing but corn—no hay nor oats, and the animals were suffering. I had an Indian pony which would not eat corn, so I could hardly ride him back to the camp where I met the Indians. He was played out by staying there one day. All these things together induced me to telegraph to the Secretary to have an investigation, and stop the advance of the soldiers at that time. The mail going east had hardly left with that dispatch when I received a dispatch in answer to mine from White River, saying that such a commission had been already appointed by him, naming me as one of the members. I knew that General Hatch was 700 miles away, and could not be there for some days; so I went to Ouray's house, who had also been named as one of the commissioners to investigate the trouble, and I concluded to go outside instead of waiting ten or twelve days, and examine the women, whom I had had no time or opportunity to examine in the camp, as to their relations with the Indians, &c. I did so. I telegraphed the Secretary that I would do so, and he approved of it. I took a stenographer in Denver and went to the home of these ladies in Greeley, and examined one after the other. The first one I examined was Mrs. Price. She gave her story as I had seen it in the papers. By that time they had been out several days, and all of them had given their stories and signed their names to them, and I did not think that I would have much to investigate only as to some cruelty against them individually, so as to mark certain members of the tribe. After Mrs. Price had given her story I approached the subject of their personal treatment, and I saw at once that there was something more behind that so far had not come out. I told her I must have the full facts. She said no; she would not tell; that that was none of my business. I said it was; that she was under oath and she must tell the whole truth. Finally she said, "O, as soon as I tell you you will go and tell some newspaper man, and they will have it all over the country, and I will be dishonored forever." I said "No, Mrs. Price, I am no newspaper man; I am not in the habit of going to newspaper men and telling them everything; but," said I, "as soon as this report is submitted to the Secretary and by him to Congress, of course this matter will come out; there is no help for that." Well, she cried, and was very anxious not to be obliged to tell. Finally she admitted that this man that had captured her the first day had outraged her person and had finally given her away or sold her, she did not know which, to the Chief Johnson, and that he, the same morning that I came to camp, had made an attack upon her, but that those were the only two instances of her being outraged. The full particulars of it are down in our report, and I understood from the Secretary last night that it is accessible now, so that it can be submitted if it is desired. I then went to see Miss Josephine. She told her story the same as she had told it before, but, having learned from Mrs. Price that she had also been subjected to the same treatment, I asked her to state all the particulars about it. She did not want to testify; she thought that she ought not to be made to tell all these matters. Finally she testified, and afterwards Mrs. Meeker also testified. I then returned, met General Hatch at Alamosa, and we went to

the agency. I arrived there several days before he came in, and met several of these White River Utes there at that time who had come in in obedience to Ouray's orders. We had quite a lengthy session there of six weeks trying to get at all the facts in the case, and finally, not being able to get anything out of the Indians, who seemed to have decided not to implicate each other, or one the other, we had to take the testimony of Mrs. Price and Miss Josephine as to the Indians whom they implicated in the murder of her father, and demand twelve Indians to be given up to us and sent East for trial. This was agreed to by them all at the time, and they simply wanted a few days to get ready and get their horses in shape, and General Hatch to get his wagons together and then leave, but since then it seems that they did not come—at the last minute they refused to come. Four of these men are the persons that maltreated these women and who were also engaged in this massacre.

By Mr. HASKELL:

Q. Are any of them here in this city?—A. No, sir; none of them.

By the CHAIRMAN:

Q. Do you know their names?—A. Yes, sir. The other eight were seen by the women before the fight commenced at the agency with arms in their hands and were also recognized after the massacre plundering the warehouse. Taking these two facts in connection, General Hatch and myself demanded them.

By Mr. HASKELL:

Q. Are you in possession of any facts as to the original cause of this outbreak as stated by the Indians—the very beginning of the trouble?—A. When I was first appointed one of those commissioners I telegraphed to the Secretary of the Interior for all correspondence between Mr. Meeker and the department, and also between Meeker and Thornburgh. That correspondence was sent to us and read to Ouray, one of the members, and is embraced in our proceedings. Otherwise I have only the statements of the Indians themselves. We examined several of these Indians, amongst others Chief Douglas, Jack, Sawawick, and others, and they all had a good many complaints against Agent Meeker, and they seemed to blame him before anybody for all this fight and trouble; they seemed to be under the impression that it was brought about by him in connection with others in Colorado to get them involved in some trouble with the government.

Q. Had Agent Meeker ever harmed any of them bodily?—A. No. He said that one of them, the man Johnson, had struck him at one time, and we examined Johnson on that point, and he acknowledged that he had struck him.

By Mr. DEERING:

Q. What seemed to be the general complaint that they made of the agent?—A. It seemed to be their complaint that he insisted upon their working and farming, and they did not want to. They said it was not practicable to farm there, and they did not care to farm. The most complaint they seemed to have was that he one day said something to them, and the next day he took it back and said something else. He seemed to have a want of character. For example, he moved the agency from the old location where it had been first established by the government some twelve miles down the river, telling them that there was better grass there and they could all have a home there and corrals for their stock. He built his agency in the center of this big flat, and divided

up, alongside of the agency, several tracts of land for each family for them to build their houses on; and one or two of them did build houses on this land on both sides of the agency, and soon after he came to them and told them that they must move away from there, that he had decided to plow that land which he had given them a short time before. They said that he had plowed enough land, that they must have feed for their horses. And he said, "You have got too many horses; you had better kill them." That was one of their complaints.

Q. The objection, as you understand, was not to the plowing but to the precise locality of it?—A. Yes, sir.

By Mr. HASKELL:

Q. They justified the massacre of the agent and his employés because of the differences of opinion as to administration, the plowing of land; is that it?—A. No, sir.

By the CHAIRMAN:

Q. How did they justify that?—A. They justified the massacre of the agent upon the ground that he had brought the soldiers there without any necessity whatever, and that through the coming of the soldiers several of their people had been killed by the soldiers first.

By Mr. DEERING:

Q. Didn't I also understand you to say that he had threatened them with manacles?—A. Yes, sir.

By Mr. HASKELL:

Q. In your understanding of the case, what sent the soldiers out there in the first place?—A. My understanding is that two Indians had set fire to some grass on Bear River, that a warrant was sworn out against those two Indians, and a sheriff went over there to arrest them; that the chief refused to give the men up; that the sheriff came out and reported to the governor, and that at the governor's request those troops were sent in there to arrest the two men. That is what they say. I also saw that Mr. Meeker had called for troops for his own personal protection.

By Mr. WADDILL:

Q. When was that?—A. A few days before the soldiers came.

By Mr. ERRETT:

Q. The soldiers came to arrest the trespassing Utes?—A. Yes, sir; and also to protect the agent.

Q. And there had been an encounter before the massacre at the agency?—A. Yes, sir; they had commenced to fight three or four hours before that.

By the CHAIRMAN:

Q. The Indians charged that the whites commenced that fight?—A. The Indians charged that the first shots were fired by the soldiers.

Q. I understood you to say that the Indians complained that the agent and the governor together were endeavoring to get them into a difficulty so as to drive them from their reservation. Did those charges take any definite shape? If so, what was it? Was there anybody implicated besides the agent, or was the agent implicated?—A. Well, Chief Jack said he saw the whites were becoming angry at the Indians, and he went to Denver to see the governor of the State and find out why they were so hostile; he said he went to see Governor Pitkin, and asked him to use his influence to have Mr. Meeker removed, telling

him that as long as Mr. Meeker was there he was afraid that trouble would come. Jack said that his request was not considered at all, and that Governor Pitkin did not act as if he wanted to help them at all.

By Mr. GUNTER :

Q. The burning of this grass, which you speak of, and which seems to have been the cause, to some extent, of the trouble, was that a violation of any existing law or treaty, or was it merely a violation of an order of the agent?—A. This was on the Bear River, outside of their reservation, and the fire swept down on a couple of houses in the settlement.

By the CHAIRMAN :

Q. Is that the only reason that the Indians gave for supposing that there was an interference with their rights and a purpose to drive them away?—A. They stated in general that they thought the people of Colorado wanted their reservation.

Q. But that is all the ground they gave for thinking so?—A. Yes, sir.

By Mr. GUNTER :

Q. What had given rise to this threat on the part of the agent about arresting and handcuffing? Had the Indians been making threats or perpetrating outrages before that?—A. Yes; one Indian had struck the agent, and another had fired upon one of the employés, although they said that they were simply firing at a mark.

By Mr. HASKELL :

Q. The statement that the agent had threatened to bring manacles, &c., was simply a declaration by one of these Indians—there was no proof of it?—A. No, sir; no proof. I have simply stated what the Indians say.

By Mr. POUND :

Q. Did you gather from the examination of any white witness, Governor Pitkin, or any one else, anything corroborating what those Indians stated?—A. No, sir; I do not think so.

By Mr. DEERING :

Q. Did the Indians complain that the whites were invading their territory as miners or otherwise?—A. No, sir; not that I heard of. In fact, from my own personal knowledge of the country, I think there is only one small mining camp on their reservation, Ruby City, but they do not know it, and they never objected to it. It is a question whether it is on their reservation or not, but, from Hayden's map, which is pretty accurate, it seems to be on the reservation.

By the CHAIRMAN :

Q. Let me call your attention to the report made by the agent in 1877, in which he says that squatters out there had produced great dissatisfaction on the part of the Indians. Do you know anything about that?—A. Yes, sir; I know all about that.

Q. And the same thing was reported in 1878?—A. Yes; that is right. That is on the four-miles strip. The Indians sold that strip last year, although they have not got their money yet. Settlers came in and squatted there and took possession of the land; and last year the Indians, to get rid of the annoyance, sold it for \$10,000 to the government. That sale was made prior to the outbreak.

By Mr. WADDILL :

Q. In your judgment, is this outbreak attributable to the coming of the troops or to forcing the Indians to farming and the plowing of their lands?—A. I think it was the soldiers coming there that produced the outbreak.

By Mr. POUND :

Q. When were those lands plowed up?—A. A few days before the outbreak occurred.

By the CHAIRMAN :

Q. Do you understand this massacre to have been committed by the order of the tribe or of the chiefs?—A. No, sir. I think that after a few Indians were killed one of them went to the camp and stated the facts, and got a few other hot-headed young men in with him to go and kill the agent, and that the chief Douglass had not power enough to stop it at the time, and that then he turned in and was the worst of all. That is my opinion.

Q. Do I understand you that the treatment of these women was endorsed or ordered by the chiefs?—A. No, indeed. The women belonged to each one separately. That is the custom of their tribe.

Mr. HASKELL. That is the custom with all the Indians; whoever captures a woman owns her like a mule.

By Mr. DEERING :

Q. You have stated that the Indians were anxious to keep the soldiers from coming nearer than within forty or fifty miles; that they wanted them to halt there and send forward a small number with a view to the arrangement of the difficulty?—A. Yes.

Q. Is it your opinion that if the soldiers had listened to that proposition, and five men, as the Indians desired, had come forward and an arrangement had been entered into this difficulty could have been averted?—A. That is my opinion.

By the CHAIRMAN :

Q. Why were you selected for this delicate business?—A. I don't know. I had been agent for the White River Indians in 1870 and 1871, and for the Southern Indians in 1872, 1873, and 1874.

By Mr. ERRETT :

Q. Is there a general organization of these tribes, or do they act as three separate tribes?—A. They act as separate tribes.

Q. Is Ouray chief of them all, or is he simply chief of the Uncompahgres?—A. Well, in one way; all questions of difficulty are referred to him finally, although the chief of the separate tribe has absolute control of them.

Q. Still there is some federal relation between the three tribes?—A. Yes. For example, they sent messengers to Ouray telling him that their agent was not a good man, and asking him to use his influence to have the agent removed.

By Mr. WADDILL :

Q. Did Ouray urge the removal?—A. He says that he urged his agent to write to Washington and ask for the removal of Mr. Meeker, but, inasmuch as he never heard of it afterwards, he supposes that the agent never did it. This was a good while ago.

By the CHAIRMAN:

Q. Is there any other information in your possession which would throw light upon the cause of that outbreak?—A. I do not think of anything else now, but by reading over the testimony of the Indians that we took something else might be suggested to my mind.

Q. Did you learn anything while there as to the conduct of Agent Meeker to justify the complaints on the part of the Indians?—A. Well, I don't think that Mr. Meeker understood those Indians; I think he tried to do his best to civilize them. He was a great agriculturist, and he thought that he could succeed in forcing the Indians to work and to accept the situation as farmers, but he did not take in consideration that it is almost impossible to force Indians into that sort of labor all at once. At the Southern Agency a few of them had farmed, and by gaining something from it they came to look favorably upon it. For example, some of them raised a large quantity of potatoes there and got some money for the crop, and the result was that probably three-fourths of them asked me why I could not do something to get a large ditch cut for them in this Uncompahgre Valley so that they all could go to work in that way. As it is we need a great deal of irrigation in Colorado. There are only two or three little springs there to furnish water, and all the water that the Indians could get has been utilized. Ouray himself farms thirty or forty acres. If there was a large ditch cut for irrigating purposes a great many of them would farm, because the Uncompahgre Valley is very good agricultural region, but the White River Valley is unfit for cultivation. The Indians say that they told Mr. Meeker that; that they said to him that Agent Adams, Agent Danforth, and Agent Littlefield had tried it and had failed to raise anything, and why should he attempt it, and his answer, they said, was that he was a farmer and we were not.

By Mr. WADDILL:

Q. Did he in fact try to force them to farm?—A. He plowed this land.

Q. But did he set them to work at it?—A. Yes; he made them build a ditch. Jack claims that Mr. Meeker told him that if he didn't work he wouldn't give him anything to eat.

By Mr. DEERING:

Q. So far as you could learn was he disposed to be arbitrary in his manner of dealing with the Indians?—A. Well, I really cannot answer that. Of course the Indians say everything bad about him, but from what I knew of Mr. Meeker, and I have known him for several years, I always considered him an excellent man. I think, however, that he had too much the idea that he could make the Indians work in his way, and could be successful where other agents had failed.

By Mr. GUNTER:

Q. The first killing seems to have been done by the troops when they killed two or three Indians; was that done while the troops were on their way to the agency or after they had reached the agency?—A. It was while they were on their way.

Q. Were they necessarily going through the reservation where the Indians were, or had the Indians come to meet them?—A. The Indians came to meet them, but within the reservation, at the point where the reservation line runs.

By Mr. ERRETT:

Q. They had made an arrangement to meet the troops there, I be-

lieve; was not that the understanding?—A. I can tell you Jack's story pretty well. He says it was this way: The evening before the fight an agreement had been made that Thornburgh (and Major Thornburgh's letter to Agent Meeker confirms that statement)—that he would leave his command at a suitable point, and he, with five officers, would come and meet an equal number of Indian chiefs with Mr. Meeker at some place between the agency and where he then was—at Williams Ford—some thirty-five miles away from the agency; that this letter was given to an Indian to carry to the agent and was carried to him, and that only an hour, or perhaps a few minutes before Mr. Meeker was killed, he sent an answer saying, "All right; I will meet you to-morrow"; but he put off the meeting a whole day. The fight had already commenced then, and Meeker sent this message that he would meet them the next day. So, early in the morning of this day, when the Indians were camped ten or twelve miles from the agency, nearer to Major Thornburgh, a messenger came to them and said: "The troops are not stopping where they promised to stop yesterday, but are coming on." Then Jack, with his men, some fifty or sixty in number, started out to meet them, without, he says, any hostile intention, but simply to see whether Thornburgh was going to keep his word. They went out towards Milk Creek, about twenty miles, and saw the wagons going ahead on the road and that they had passed the crossing of the creek, a place where there was nice grass—a good stopping-place—and that the wagons were strung out in the sage brush again, so that they would have to go a long distance before they would find another camping-place. Thereupon, Jack says, the Indians withdrew and went up on a high trail, and the soldiers, instead of going on along the wagon road, as the Indians expected them to go, came up on this very same trail. Jack says, "I stood up on the hill with twenty or thirty of my men, and all at once I saw thirty or forty soldiers in my front, and just as soon as they saw me they deployed off one after another. I was with General Crook the year before fighting the Sioux, and I knew in a minute that as soon as this officer deployed his men out in that way it meant fight; so I told my men to deploy also." Jack also says that he saw the officer come out from his men and swing his hat. That was Lieutenant Cherry, because he states the same fact in his report. "Then," says Jack, "I and another Indian went out to meet them, but while we were still some distance apart, between the two skirmish lines, a shot was fired. I don't know from which side, and in a second so many shots were fired, that I knew I could not stop the fight, although I swung my hat to my men and shouted, 'Don't fire; we only want to talk;' but they understood me to be encouraging them to fight."

By Mr. HASKELL:

Q. Thornburgh could not have been in possession of any message from the agent at that time. He must have been entirely in the dark in regard to the agent, and ignorant of whether he was alive or dead?—A. He could not have known.

Q. So in moving his troops forward in obedience to orders he is confronted with some Indians, who he supposes may be hostile, he deploys his line and they deploy their line, and a conflict is inevitable, and the question of who fired the first shot is one which probably will never be determined?—A. I think we made our inquiry as thorough as it could possibly be made, for General Hatch is a military man, and understands all about these matters, and it is not possible to say with certainty who fired the first shot.

By Mr. GUNTER :

Q. How far was this from the agency ?—A. Some twenty-five miles north.

Q. Immediately after that the Indians retreated and killed the agent and others, and took these captives ?—A. Yes ; one of them rode back and brought the news, and then the Indians at the agency rose.

By Mr. DEERING :

Q. There was no reason, was there, why the agent should not have replied earlier to that dispatch from Thornburgh ?—A. It seems to me that if I had been the agent I would have immediately started forward myself.

Q. But you understand, do you not, that the messenger was delayed for nearly a day ?—A. Not the messenger, but Mr. Meeker's answer.

Mr. HASKELL. The time for meeting the Indians was put a day later ahead than the first proposition, but the message fixing the day was sent immediately, was it not ?

The WITNESS. I don't think it was ever sent.

Mr. HASKELL. I thought you said that it was sent, and that the Indian bearing it was killed.

The WITNESS. It was sent, but it never was received. It was sent next day at noon, just a few minutes before Mr. Meeker was killed.

By Mr. DEERING :

Q. But it should have been sent a day sooner ?—A. It seems to me that it should have been sent in the night. There was some misunderstanding. The correspondence explains it much better than I can tell it, because I have not got it all in my head. The correspondence shows that there was some misunderstanding as to the time and the meeting place ; that Major Thornburgh first agreed to meet the Indians half-way and then backed out of that, giving the Indians the excuse that there was no grass, and that he had to go to White River to find grass, while the Indians say that right at Milk Creek, where he crossed, was a very good place to camp, even if it was necessary to leave the place first fixed upon.

Q. And they hold that the fight grew out of bad faith ?—A. Yes ; bad faith on the part of Thornburgh.

By Mr. HASKELL :

Q. Thornburgh might have supposed that there was treachery ahead, and might have been unwilling to take the risk.—A. Probably so. He must have gotten some after information in regard to that, or he must have thought that it would not make any difference, that there would be no trouble anyway.

By Mr. WADDILL :

Q. Was he going there at that time in response to the request of Agent Meeker ?—A. The agent wrote him that he had better stay ; that an advance to the agency with his whole force would be accepted by the Indians as a virtual declaration of war.

Q. But had he started out from his headquarters, wherever they were, in pursuance of a request from Agent Meeker ?—A. Yes.

Mr. HASKELL. And also on a request from the governor of the State ?

The WITNESS. Yes.

By the CHAIRMAN :

Q. For those two men ?—A. Yes, sir.

By Mr. GUNTER :

Q. What seems to have been the cause of the troops' going there? Did they go at the request of Agent Meeker?—A. They appeared to have gone partly at the request of Mr. Meeker and partly at the request of the governor of the State to arrest the parties who set fire to this grass.

By Mr. DEERING :

Q. If I understand some dispatches that I have seen in connection with this matter, the Indians gave notice to the whites that if the soldiers advanced nearer than fifty miles they would consider it a declaration of war?—A. I don't know as to whether they so informed the settlers or not, but I have seen Mr. Meeker's long letter in which he states that if Major Thornburgh advanced beyond where he then was the Indians would take it as a declaration of war.

Adjourned.

WASHINGTON, *January 17, 1878.*

WM. M. LEEDS sworn and examined.

By the CHAIRMAN :

Question. State your residence and occupation.—Answer. I reside in New York. My occupation latterly has been somewhat of a literary character.

Q. Have you had any connection with Indian matters?—A. I have, as chief clerk of the Indian Office, for about a year preceding the 25th of January last.

Q. This committee have in charge the investigation of the recent Ute outbreak; you have been called here for the purpose of giving the committee any information on that subject which you may have; if you know anything or can say anything which will throw light upon it, state it in your own way.—A. The main part of the supplies and subsistence which these Indians had was obtained by hunting. There was a circular issued from the Indian Office forbidding the sale of arms and ammunition. Traders would not take out a license to go to that agency if they could not sell arms and ammunition, because the Indians would sell their buckskin, which was the chief result of their hunting, wherever they could buy arms and ammunition, and they had to go about ninety miles off the reservation to a trader to do that.

By Mr. HASKELL :

Q. At what point was the trader located?—A. I cannot tell you the exact location. I do not know that it has any name.

Q. Which direction from the agency?—A. I cannot tell you; toward Rawlins, I should think.

Q. Near what town?—A. I cannot tell you, sir. Agent Danforth and Agent Meeker complained of this thing; said that it was impossible to keep the Indians on the reservation and to make them become agriculturists while it continued.

Q. Is that order about the sale of arms and ammunition a provision of law?—A. There was an Indian Office order during the previous administration, and there has been another order since this administration came in.

Q. Is there any law against the sale of ammunition and arms?—A. No; there is a law against metallic cartridges being sold, but this circular forbade the sale of arms and ammunition.

By the CHAIRMAN:

Q. Did any of the treaties require that they should have these arms and ammunition?—A. No, sir; it is a necessity for their existence, however. At the time they were at Rawlins asking for their supplies they had been off on a hunting expedition and failed to get game; and they went to Rawlins to either get their supplies in store or to beg. They had to go too far for their arms and ammunition, it took them off the reservation; it kept them disturbed and dissatisfied; they felt it was a grievance that there was no trader there; no trader would go there, because he could not get their products. They would sell those where they could get arms and ammunition.

By Mr. WADDILL:

Q. How are arms and ammunition furnished—don't they buy them from the trader?—A. No, sir; they are smuggled into the reservations and the Indians go off the reservations to get them. When there is any trouble, they show for themselves that they have them. It is simply a hardship, where they are obliged to make their living by hunting, that they cannot buy arms and ammunition.

By the CHAIRMAN:

Q. How could that well be remedied?—A. In their case the trader should have been licensed to sell. The difficulty is in making a general rule. For instance, take the Pawnee Agency; the Pawnees complained that although at one time the agent counted fifteen white men shooting around and near the agency, the Indians could not procure any ammunition unless they went a long distance off the reservation to get it.

By Mr. WADDILL:

Q. Are the traders authorized to sell arms and ammunition to the Indians at any of the agencies?—A. The Indians made so much of a time about it that I think there were a few so authorized in the eastern part of the Indian Territory.

By Mr. DEERING:

Q. Do I understand you that the Indians had complained of the department or the agent because of the lack of these conveniences?—A. Yes, sir; successive agents of the White River Utes complained.

By Mr. HASKELL:

Q. In your judgment, the Utes would have been more peaceable if some licensed trader had been authorized to sell them guns and ammunition?—A. I do think so.

Q. You think that would be a wise policy?—A. I do think it would have been so with those Indians. In a country where a man can walk 100 miles without meeting anybody, it is absurd to suppose that arms and ammunition will not be sold to them by smugglers.

Q. The policy of the administration, at the time you were under it, was to have the Indians secure a livelihood by arts and agriculture instead of hunting, was it not?—A. So far as they could; but there has scarcely ever been a time when an Indian has had a chance to do much work on a full stomach; they have never had enough to give them a chance to work at agriculture. The whole thing is foolish to the last

degree. Take an agency like the Cheyenne, 5,000 Indians, and one farmer to teach them to farm. Now, what nonsense that is. The Indians are scattered up and down the river for 75 miles; and of course one man cannot teach them farming when they are scattered in that way; and that is a specimen of the agencies generally.

Q. Is that a provision of law?—A. No, sir.

By Mr. DEERING:

Q. Do you believe that the Indians are certain to have these arms and ammunition in any event, and that it would be better that they should be supplied by the agent or by some person acting under the government, than to have them smuggled in?—A. I do.

Q. You think they are certain to have them?—A. Yes, sir, I do; and I think there are other good reasons why they should have them.

Q. Of course, it is arming them to war against the white people if they are so disposed.—A. Well, there are two sides to that. I do not think they are so disposed, unless they have pretty good cause.

By the CHAIRMAN:

Q. Has it been the policy of the government with regard to these Ute Indians to deprive them of arms?—A. Yes, sir; to deprive them of arms.

Q. And you think that policy has irritated them?—A. Yes, sir.

Q. They are a hunting tribe, supporting themselves mainly by hunting?—A. Yes, sir. As to the irritation caused by the delay in getting food at Rawlins, I should have to refer to the telegrams and correspondence from the warehouse men at Rawlins and the Indian Office to get the exact facts.

By Mr. HASKELL:

Q. What was the date of that delay?—A. I say I should have to refer to correspondence.

Q. How far back was that delay?—A. Well, it was after October 1, 1877.

Q. What time did the present Commissioner take his place?—A. About September 29 or 30.

Q. The contracts then for the supply of those Indians with this food supposed to be obtained at Rawlins was made by the preceding Commissioner?—A. Yes, sir; those things had lain in store there for a year previous.

Q. Under Mr. Smith?—A. Yes, sir; except some flour.

Q. Is it practicable to send supplies from Rawlins to the agency after October 1? Can you do it?—A. Yes, sir. The snow falls some time later than October 1, and even with snow they can be sent if they really intend to send them.

Q. What is the distance?—A. About 175 miles.

Q. Are those goods delivered by contract?—A. Yes, sir.

Q. And the contractor failed to deliver them?—A. Yes, sir; Mr. McCann failed; he did not pay his freight. The difficulty was that the office had no right to pay McCann's freight.

Q. And, in your judgment, this outbreak was occasioned by the delay to furnish supplies to the Indians two years and four months before the outbreak occurred; is that it?—A. No, sir. In my judgment, one irritating cause of this outbreak was the starving condition which the Indians found themselves in at Rawlins, because of a lack of supplies and because of the delay at Rawlins in furnishing them with their own goods.

Q. Has there been any delay since October, 1877?—A. This delay was subsequent to that time.

Q. And you think it was entirely feasible after October and on the coming in of the new Commissioner to have made a new contract and secured the delivery of the goods to the agency that fall and winter?—

A. It would not have been necessary to make a new contract. Goods to the amount of \$3,000 could have been bought without a contract.

Q. Do you know at what time the present Commissioner had notice of this delay?—A. The report of Agent Danforth was dated in August; I cannot say exactly when that report was received in the office.

Q. Some time in October, was it not?—A. That was about it; but I cannot say exactly.

Q. And the failure of the contractor, and the contract and all the details concerning the delivery of those supplies were arranged by the preceding Commissioner?—A. The failure of the contractor was under the preceding Commissioner.

Q. The first intimation, then, of the delay came to the present Commissioner perhaps a month following his appointment?—A. No, sir; I cannot say that. It might have been the day after his appointment for all I know. I should have to refer to the correspondence to answer that.

Q. How long did it take a letter to come from the agency to the office here?—A. About seven or eight days.

Q. And a reply would be as long on the way, seven or eight days more?—A. Yes, sir. Although the supplies could have been sent some time during the summer previous to the present Commissioner coming into office, still there was the same difficulty as to the payment of freight; the office could not pay Mr. McCann's freight.

Q. Why?—A. Because they are not allowed to pay money to the Union Pacific Railway in that way, and of course they would not have been authorized to pay McCann's bill; at any rate I think that even at that time the value of the supplies was pretty well consumed in freight charges.

By Mr. WADDILL:

Q. Were the supplies held by the railway company for freight charges?—A. Yes, sir.

By Mr. HASKELL:

Q. And the Commissioner had no authority under the law to pay those charges?—A. No, sir.

By the CHAIRMAN:

Q. What ought to have been the remedy for that state of things, or was there any?—A. There ought to have been supplies procured, either some arrangement made to get those supplies out during the previous summer subsequent to the incoming of this Commissioner, or else new supplies procured. After that clamor that was made the Utes were furnished with supplies, and I see no reason why they might not have furnished just as well previously, without waiting until they were starving.

By Mr. HASKELL:

Q. Was there any money that could have been applied to the purchase of new supplies?—A. Yes, sir.

Q. They still had a fund unexpended?—A. O, the Utes have had money unexpended for years, ever since the Brunot treaty, which could have been used to keep them from starving.

By the CHAIRMAN :

Q. Do I understand you to say that provisions were actually bought after the clamor?—A. Yes, sir.

By Mr. WADDILL :

Q. About what time?—A. I cannot tell without referring to the correspondence in the office, and the telegrams and documents.

Q. I understand you to say that this failure of supplies was after or about October, 1877. How long after that was it that the supplies were furnished?—A. The Indians were there at Rawlins some time. I cannot tell just how long.

By Mr. DEERING :

Q. If I understand correctly, if there was cause of complaint at the time you state it was removed afterwards, and they had made no complaint for a considerable number of months prior to the outbreak?—A. They have had ample cause of complaint since that.

By Mr. HASKELL :

Q. About supplies or food?—A. That I cannot say. What I refer to is the non-payment of the moneys due them under the Brunot treaty, and also the fact that they were notified publicly, I think in two successive reports, that it was proposed by the Commissioner to remove them or have them removed to the Indian Territory.

By Mr. WADDILL :

Q. What reports were those?—A. The annual reports to the Secretary of the Interior. Those reports are sent out to the agency, and the agent sees them and the interpreter sees them, and the Indians know pretty well anything therein contained which affects them.

Q. When was the money under the Brunot treaty refused them?—A. From 1874, for three years, there was \$25,000 a year due them, which was not paid. Then when the new Ute commission went out in 1878 they paid the Indians something on account, but there is now some sixty and odd thousand dollars due them, or more than that.

By Mr. DEERING :

Q. You say there was \$25,000 due them each year for three years and unpaid?—A. Yes, sir; and that was a constant grievance, and all the more so because Ouray was paid his \$1,000 a year.

Q. Was that failure to pay owing to the lack of an appropriation by Congress or was it the fault of the department?—A. It was not for lack of an appropriation; it was the fault of the department.

By Mr. WADDILL :

Q. Do you know any reason which was assigned by the department for that money being withheld?—A. The main reason that I know of, after the present Commissioner came in, was inattention to business—I do not know of any other reason; and the same with the delay at Rawlins—inattention to business.

Q. What had held up that \$25,000 for the three years preceding?—A. The excuse made is that they were afraid the Indians would buy arms and ammunition.

Q. That was under Commissioner Smith, was it not?—A. Yes, sir.

Q. How was this money distributed among the Indians when it was paid?—A. They had their pro rata share, each Indian; it was divided up.

By Mr. HASKELL:

Q. Has the money ever been paid?—A. Since it became due to them, about \$65,000, the government has owed them that amount—has been behindhand all that time.

By Mr. WADDILL:

Q. When did that first become due under that treaty?—A. I should have to refer to the treaty in order to answer that; I think it was in the spring of 1875.

By Mr. GUNTER:

Q. The treaty was made in 1874, was it not?—A. Yes, sir; I believe so; but I do not think it was ratified until 1875.

By Mr. HASKELL:

Q. You say that a fund of \$65,000 due the Indians has remained on hand unexpended, having accumulated under Mr. Smith's administration. The present Commissioner, then, I understand, has disbursed that fund.—A. No, sir; he has not. There is that amount due under the present Commissioner.

Q. The indebtedness accrued under the preceding Commissioner, didn't it?—A. Under the preceding Commissioner and under this Commissioner.

Q. If it commenced in 1875, then it has run for three years, making \$75,000; but you say the amount due is \$65,000.—A. I say that in the spring of 1878 we owed them \$65,000.

Q. That was the spring of the incoming of the present Commissioner?—A. Yes, sir.

Q. And this indebtedness had accrued under the preceding Commissioner?—A. Part of it, and part under the present Commissioner; about six months of it under this Commissioner, but more of it under this administration—there had been a whole year under this administration.

Q. You say that amount remains due and unpaid yet?—A. No, sir; it has been reduced, but there is still about \$65,000 due under that arrangement.

Q. Then the present Commissioner has paid his \$25,000 a year since he has had charge, and has also reduced the amount due at the time of his coming into office; is that correct?—A. The present Commissioner sent some funds in 1878, six months after he came into office, or a year after this administration came into office, and there has been something sent since that. I could tell exactly by reference to the papers.

Q. Your statement is that there is about \$65,000 remaining unpaid, and that about \$75,000 had accrued before this administration came in charge; this present Commissioner, therefore, must have paid all that was due the Utes during the months before the outbreak, and also must have reduced the original indebtedness which accrued under Mr. Smith. Is that correct?—A. No, sir. The present Commissioner has reduced the amount which was unpaid when he came in some \$10,000, but a reduction of \$10,000 on the \$75,000 is not paying the \$75,000 itself. There never was a time from the moment when that \$65,000 became due when there was not that amount due.

Q. But the situation, as I understand it, is this: the outbreak occurred last fall; now your statement is to the effect that \$25,000 a year was due to the Indians under the Brunot treaty; that six months after this Commissioner came into office the amount remaining unpaid had accumulated to \$75,000, and then you say that to day there is about \$65,000.

Now, does not that compel the conclusion that the present Commissioner has paid the \$25,000 a year since he came in, and has also to a limited extent reduced the indebtedness of the United States under the Brunot treaty?—A. I should say not.

Q. Please explain, then, how the amount due the Indians now can be less than it was when the present Commissioner came in, and yet he has failed to pay them the money due under the treaty since he came into office.—A. Well, the statement from the office would show it exactly. You are asking me to guess at something which can be proven definitely. The reports will show.

Q. But my proposition does not require reports. Upon a given date, \$75,000 is due the Indians; two years later there is a less sum than \$75,000 found to be due them, showing a decrease of that indebtedness under the present Commissioner; hence I am forced to the conclusion that that \$25,000 a year was paid by this Commissioner as it accrued, and that he also reduced the amount of indebtedness which existed when he came into office. What I want to get at is this, whether or not, during the last two years and immediately preceding this outbreak, this Commissioner did pay the Indians any money, and, if so, how much?—

A. I will explain. If the \$75,000 was due them in the spring of 1878, and it has been reduced to \$65,000, that shows that the present Commissioner has not even paid them all that \$75,000 that was due when he came in, and has not paid them any part of the \$25,000 a year that has been accumulating since; because it is not two years since that \$75,000 was due, and two years would make \$50,000; therefore, if the amount was \$65,000, there will \$15,000 of the old \$75,000 still unpaid.

Q. Then your statement as modified is this: that there is \$65,000 due on the old accumulated debt, and another \$50,000 accumulated since that time. Is that what you mean?—A. Not at all. There was an accumulation of \$65,000 due them in 1878, and if it is now reduced to \$65,000—

Q. [Interposing.] That makes \$10,000 on the debt still.—A. No, not at all; but of that \$65,000 still unpaid. I don't remember the exact sum, but if we say that \$40,000 is the amount which has accumulated under, and not been paid by, Commissioner Hoyt, then it would show that \$25,000 also out of that \$75,000 which was due them in 1878 has not been paid; thus making the \$65,000 now due.

Q. You state that by the Brunot treaty, which was consummated in 1874—

The WITNESS. 1875, I think. The agreement was made in 1874.

Q. I understood you to say that there was due \$25,000 a year from 1874.—A. Yes, sir.

Q. And that none of it had been paid for three years?—A. For three years.

By Mr. HASKELL (referring to a copy of the treaty):

Q. The treaty was made in 1873, and the first payment was made in 1874—'74, '75, '76, '77, four years, that is \$100,000.—A. Yes, sir. In 1878 there was about \$75,000 due those Indians and the balance now due them is, I think, about \$65,000; it has been accumulating since 1878. If there is an accumulation of \$40,000 since 1878 and it is \$65,000 now, that shows that \$25,000 of that \$65,000 belonged to that old \$75,000 which was due in 1878.

Q. Then my supposition is correct, that the present Commissioner has paid the Utes since his term of office and has reduced the balance to \$65,000.—A. No, sir; you cannot possibly make it clear in that way.

By Mr. GUNTER :

Q. Has the present Commissioner paid any of the annual installments due the Utes since he came in ?—A. I do not think he has paid a cent since he came in of money accumulated during the time he has been in office.

Q. There were \$75,000 due when he came into office ; what amount of that has he paid ?—A. About \$65,000, I think.

Q. Then he has paid money of the old indebtedness, and it is placed to that credit ?—A. Yes, sir ; I suppose it is, but I may be mistaken in that.

By Mr. WADDILL :

Q. Do you understand that there has been an annual appropriation of that \$25,000 each year ?—A. No, sir ; I do not know that there has been an annual appropriation, but the money was in the Treasury, and I inquired about it.

Q. Was it subject to the order of the Commissioner ?—A. Yes, sir ; that is what I understood.

Q. Without an appropriation ?—A. Yes, sir ; it has always been subject to the order of the Commissioner.

Q. Then the money has been there all the time, so that he could have paid these annual payments as they matured ?—A. Yes, sir.

By Mr. GUNTER :

Q. Is it your understanding that the payments that had been made by the present Commissioner have been placed as a credit on the old indebtedness which accrued under the former Commissioner, Smith ?—A. I do not know just how it is put on the books, but it ought to be so ; what was done on the books I could not tell without reference thereto.

By Mr. HASKELL :

Q. Why ought it to have been so ?—A. Because I should say that a man ought to pay his overdue debts before he pays new indebtedness.

Q. But what if the previous Commissioner should have withheld the payment for cause ? Do you know of any reason why he did not pay, or is there any reason why the present Commissioner has not paid ? Did you ever hear anything about that in the office ?—A. There never was a question while I was in the office as to anything of the kind ; there never was a question as to what they could have paid.

By Mr. WADDILL :

Q. When did you go into that office ?—A. About the 5th of October, 1877, and I left about the 25th of January, 1879.

By Mr. GUNTER :

Q. Do you say that the present Commissioner has had at all times since he has been in that office funds at his command with which to pay the old indebtedness, and also to pay the new indebtedness as it might accrue ?—A. Yes, sir.

Q. And you say that you know of no reason why those funds were withheld—no controversy as to the legality of the indebtedness ?—A. No, sir ; no controversy as to the legality of the indebtedness. I have heard the excuse given that they feared trouble ; that it was feared that the Indians might buy arms and ammunition, and that it was not wise to pay them ; but that was before the present Commissioner came in.

Q. At the time you heard that talk in the office about withholding payment so as to prevent them from buying arms, was it contemplated by the department to remove the Utes to the Indian Territory, or was

that question mooted?—A. No, sir; I never heard that reason given in the office. I have heard it given since I left the office, as an excuse for not paying this indebtedness. When I was in the office, I heard the reason given once by the present Commissioner that he had nobody whom he could send out there to pay them—no, I am wrong—I have heard that excuse also since I left the office.

By Mr. HASKELL:

Q. Who told you of those two excuses?—A. I cannot say.

Q. Newspaper reports probably?—A. I cannot tell you.

By Mr. WADDILL:

Q. Article third of this treaty provides that "the United States agrees to set apart and hold, as a perpetual trust for the Ute Indians, a sum of money or its equivalent in bonds, which shall be sufficient to produce the sum of twenty-five thousand dollars per annum; which sum of twenty-five thousand dollars per annum shall be disbursed or invested, at the discretion of the President or as he may direct, for the use and benefit of the Ute Indians annually forever." Now the question is, whether the Commissioner had any order or direction from the President of the United States to pay over this money?—A. It is not necessary. He represents the Secretary.

Q. I did not ask you whether it was necessary or not. I asked whether or not he had any such order or direction.—A. Inferentially he has such an order, and pretty much all his orders from the President are inferential. He is there to administer the affairs of the office, and for him not to pay the money is not doing his duty.

Mr. DEERING. I suppose there are scarcely any tribes of Indians who have annuity funds to their credit of whom it might not be said that the government is indebted to them, but the question in my mind is whether this was an amount which the government or the Commissioner was obliged to pay at any stated time, or whether it was payable at discretion.

The WITNESS. Does not the treaty say "annually?"

Mr. DEERING. Yes; it is an annuity, but still annuities are payable sometimes at discretion.

Mr. HASKELL. It provides in the treaty that this was to be paid at the President's discretion.

The WITNESS. Yes; but if you agree to pay them an annuity, that is to be paid annually.

Mr. DEERING. If in the discretion of the President the money is needed by the Indians.

The WITNESS (looking at the treaty). This section is specific in its provision. It provides that "The same shall be disbursed or invested at the discretion of the President, or as he may direct, for the use and benefit of the Ute Indians annually forever."

Mr. HASKELL. That provision of law, however, is one which allows the President discretion even to the extent of withholding them entirely.

The WITNESS. No, sir; it does not.

Mr. HASKELL. I state it as a matter of fact that that provision does permit the President or the officer named to withhold that money in his discretion. Similar language is used in regard to the disbursement of other moneys appropriated, and that discretion is often exercised by the Secretary and other officers.

The WITNESS. I must accept your statement of it, but I should say that this is mandatory; it provides that the money "shall be disbursed or invested at the discretion of the President, or as he may direct."

The CHAIRMAN. Proceed with your statement of the causes which, in your judgment, had brought about the irritation which has developed into this recent outbreak.

The WITNESS. I think I have given all that I can give now without having my memory refreshed, except what may have occurred at the agency between Mr. Meeker and the Indians. Probably he was unwise in his manner of dealing with them.

Q. Do you know anything about that?—A. I do not know anything about that.

Q. Then I understand that you know no more than you have already stated which would throw light upon this subject?—A. No, sir; no more. If I could refresh my memory by reference to the correspondence, telegrams, and reports, I might be able to add something, but I remember nothing more now.

Q. Do I understand you to say that you know the fact that these Indians were dissatisfied with the idea published by the department that it would be better for them to go to the Indian Territory? Whether they were willing or unwilling to make that change? Do you know the fact?—A. No, sir; I do not know the fact.

Q. Then you do not know as a matter of fact whether that dissatisfied them or not?—A. I do not.

Q. Then it may be that this report, which stated that it was the desire of the department that they should remove to the Indian Territory, had no effect upon them?—A. I do not see how it is possible that it could have had no effect.

Q. Suppose they desired to go?—A. Then if they did they must have been deliberately deceived. Mountain Indians, whose very name indicates that they are mountaineers, living in a climate where, even in Southern Colorado, as I am informed, the mercury is often 30 degrees below zero, to be removed to the Indian Territory! Of course, these Utes are only nominally southern Indians.

Q. That may be your reasoning on the subject, and it may be mine, but do you know that to be the reasoning of the Indians? What we want to get at is something which irritated or influenced the Indians?—A. There were constant complaints of squatters on the Ute Reservation, and an effort was made at one time to put them off. The military started to put them off and then stopped. Then when this new treaty was made there were some very bad features.

Q. But those "bad features," did they dissatisfy the Indians?—A. I should say that they must have convinced the Indians that they were to be cheated.

Q. Did they agree to the treaty?—A. They signed it, and then some of them put in a document which showed a different agreement from what was contained in the treaty that they had signed. The treaty simply made them give up 1,800,000 acres of land for 700,000 acres in exchange; whereas the agreement was that they should be paid what was due them in money previously; and they were also to be paid fairly for their lands, and a commission was to be appointed to appraise the value of the lands. I should say that that would be an irritating cause. The report of Lieutenant McCauley, which I saw, told of the transactions, and showed that the Indians felt aggrieved, and that they made constant complaint. They said to anybody who went there to trade with them, "We won't deal with you; you have not paid us according to your agreement." They looked upon anybody that came there to trade with them as trying to cheat them.

By Mr. HASKELL:

Q. This treaty was made directly with the Southern Utes?—A. The others had to agree to it.

Q. But the lands in question were occupied by the Southern Utes?—A. Yes, sir.

Q. And it was the Southern Utes that, in your judgment, were disgruntled?—A. No, sir; all Utes.

Q. But the Southern have the greatest cause to be dissatisfied?—A. It was the Southern Utes that were immediately affected.

Q. Now, where did this outbreak occur?—A. At the White River Agency.

Q. Among the Northern Utes?—A. Yes, sir.

Q. Then those Utes who were the least affected by this treaty, in your judgment, are the ones who made this outbreak, while those most affected remain peaceful; is that the fact?—A. Secretary Schurz says in a recent communication to the public, that "the Indians seem to know their rights pretty well," and I think there is no doubt that the Northern Utes knew of this transaction with the Southern Utes and were just as much afraid of being swindled.

Q. Ouray was the chief of the Uncompahgre Utes, and they were the Indians directly affected by the provisions of this treaty?—A. The Southern Utes were the ones, not the Uncompahgres.

Q. And the Southern Utes have been peaceable all through this trouble, have they not?—A. They have been peaceable through this trouble, but they have been very much excited within the last two years, and have even shown some animosity to the agent, and when the soldiers came there it looked doubtful whether there would not be trouble with them.

Q. Have there been any soldiers sent to the Southern Utes?—A. Yes, sir; soldiers went there for a particular purpose, not in connection with this trouble, but previously. The Uncompahgre Utes have been irritated by squatters in the neighborhood of the San Juan mines.

Q. But they are peaceable?—A. They are peaceable.

Q. And the Indians who have committed these depredations are the White River Utes whose home is remote from the region affected by this treaty of which you speak, and have less cause of grievance than those who remain at peace?—A. No, sir; they have not less cause because of the Brunot treaty stipulations.

Q. But they have less cause of grievance so far as this last transaction of which you have spoken is concerned?—A. Yes, sir.

Q. And yet it is by the Northern Utes that these outrages have been perpetrated?—A. Yes, sir.

Q. At what time did you enter upon your employment in the Indian Office?—A. I went there about the 5th of September, 1877. I usually got there about a quarter past eight in the morning and staid until half past eleven or twelve o'clock at night for the first five months; the second five months I averaged about two hours a day less than that.

Q. How long were you in the service of the government in that office?—A. I was there until the 25th of January last, sixteen months.

Q. Did you resign your place?—A. I did.

Q. Were you ever charged with any neglect of duty, or with any fault, by any of the officers of the government?—A. Never with any neglect of duty.

Q. There were no charges made?—A. Yes, sir; there was a false charge made by Commissioner Hayt.

Q. Were you ever investigated in reference to your service there?—
A. No, sir.

Q. Your resignation, then, was entirely pleasant, and you tendered it because you had served as long as you chose; is that the fact?—A. In reply to that question I will read my letter of resignation addressed to Secretary Schurz, and his reply.

WASHINGTON, D. C., January 21, 1879.

Hon. C. SCHURZ,
Secretary Interior Department:

SIR: I have the honor to respectfully invite your attention and reply to the following statement and conclusion. When I assumed the duties of chief clerk of the Indian Office I did so with the distinct understanding that I was not expected to confine myself to purely clerical duties. In accordance with such understanding I have devoted myself to the service early and late, and have endeavored to render assistance in every way that my previous experience in the Indian service and elsewhere made it possible for me to do. During my occupancy of the chief clerkship I have felt that I have enjoyed your confidence as well as that of the honorable Commissioner of Indian Affairs. Differences of opinion have arisen, however, between the Commissioner and myself, which have brought about a severance of those relations which are necessary to render the position of chief clerk desirable, and I feel called upon to carry out a purpose which for other reasons I have long contemplated. Before doing so, I desire to thank you for the uniform courtesy and kindness which have been shown me, and to express my appreciation of your efforts and success in reforming the Indian service. Thanking you for the leave of absence which was granted me in accordance with my request on the 17th instant, I now beg to tender my resignation of the position of chief clerk of the Indian Office, to take effect on the 25th instant.

Very respectfully, yours,

WILLIAM M. LEEDS.

Mr. Schurz's reply is as follows:

WASHINGTON, January 22, 1879.

DEAR SIR: I am in receipt of your letter of the 21st instant stating that in view of differences of opinion that have arisen between the Commissioner of Indian Affairs and yourself which render it impracticable to maintain such relations as make the position of chief clerk desirable, and further, that you feel called upon for other reasons to carry out a purpose long contemplated, and therefore tender your resignation to take effect the 25th instant. Your resignation is accepted to take effect as tendered. Your devotion to duty and efforts to assist in purifying the Indian service have not been unnoticed by me, and from my knowledge of the case it gives me pleasure to say that the reasons existing for severing your connection with the Indian Office do not in any manner affect the respect and confidence to which your character and integrity are entitled.

You have my best wishes for your future success.

Very respectfully,

C. SCHURZ.

Q. The relations between you and the officers of the department were pleasant and amicable, I suppose?—A. Between me and the officers of the Interior Department they were perfectly so. Between me and the Commissioner of Indian Affairs at the time I left—do you wish me to explain?

Q. No; I only ask you whether your relations at the time you left the office were pleasant?—A. My relations with the Interior Department were entirely so.

Q. And your relations with the Commissioner, how were they?—A. Well, there was no definite outbreak until about the time I left—within three or four days of my resignation. That there was a thorough disgust in my mind for the Indian Commissioner for a long time, there is no doubt.

Q. Then, at the time you left, your relations with the Commissioner were not pleasant; you felt that you had causes to feel aggrieved?—A. I did. I felt insulted, traduced, and blackened, as a hundred other men

have been, as almost everybody else has been that has had anything to do with the office since I went there.

Q. You felt that you had causes of grievance and were not treated fairly?—A. I felt that I was wantonly insulted. I was charged in such a way that from the moment the charge was made unless it was backed out of I must resign.

Q. Your relations with the Commissioner have continued about the same since?—A. No, sir; not by any means. My relations with the Commissioner have changed since that. When I went out of the office I told Mr. Schurz that I believed the Commissioner meant to be honest; that I attributed anything wrong that occurred there to bad judgment. It has entirely changed since. I have come to the conclusion since that he is a rascal.

The CHAIRMAN. You have a right to say whether this ill feeling has in the slightest degree affected your testimony.

The WITNESS. Not in the slightest. All I say, or wish to say, of the Commissioner—

The CHAIRMAN. You are not asked any opinion in regard to the Commissioner, because he is not under investigation. You were asked if there was any bad feeling between you and the Commissioner, and you said there was. Now, you are asked whether that has at all affected your evidence here?

The WITNESS. No, sir; not at all; not in the slightest degree.

By Mr. GUNTER:

Q. As I understand, you give as the causes of this outbreak, first, the refusal to sell them arms at the agency, on account of which refusal they were dissatisfied and left the reservation and went off to purchase arms elsewhere; second that the government or the Commissioner failed to pay them the moneys due them; third, that in the last treaty made with them they were rather coerced, or they were deceived, and that that created additional dissatisfaction. Are those all the causes of the dissatisfaction which you have stated?—A. No, sir; I should say also the trouble at Rawlins and the delay in getting supplies when they were in a starving condition; and also, the publication of the notice given in the Commissioner's report that he proposed their removal to the Indian Territory were good causes of complaint.

Q. Those now repeated by you and myself are about the only causes that you can call to mind for the outbreak?—A. All that I can recall at the present time.

Q. You stated substantially that the Southern Utes were forced into a treaty whereby they exchanged 1,800,000 acres of land for 700,000 acres, and were to be paid for the land, and were not so paid?—A. No, sir; I did not say that. I said that at the time they agreed to this exchange it was on condition that they should be paid the money that was due them, and that there should be a commissioner appointed to appraise the value of their land, and that they should receive a fair price for their land, whereas when the formal agreement was made some time later on—

Q. What agreement was that?—A. The first commissioners appointed were Mr. Stickney (Mr. Morrill afterwards took his place), General Hatch, and Mr. McFarland; and the payment for the lands and the agreement to pay them what was due them was left out, and it merely appeared as an exchange.

Q. That was a difference of 1,100,000 acres?—A. Yes, sir.

Q. It was that difference for which they were to be paid?—A. Yes, sir; a fair price.

Q. And you say they were not?—A. No; I do not say so. The Commissioner did recommend in his report that they should be paid for them.

Q. But as a matter of fact, when the negotiation came to be concluded by this subsequent commission of which you speak, did the Indians get paid for this 1,100,000 acres of land?—A. The thing has not been done so far.

By Mr. POEHLER :

Q. Have you any information in regard to why the money was withheld from those Indians more than what you have stated, except what you have understood from hearsay, since you have been out of the office?—A. Yes; I could give a substantial reason why it was withheld. It was due to inattention to business.

Q. Have you any other reason to give?—A. No, sir.

Q. Have those Indians ceded those 1,100,000 acres to the United States, or is it turned over to the United States, or has the contract been completed yet?—A. No, sir; I do not think it has ever been carried into effect. That is something that I do not know about, nor what action was taken on the report. I have not kept the run of the report of the commission.

By Mr. HASKELL :

Q. Then they have not been cheated out of the lands?—A. I only speak of the agreement; I do not know what Congress did with the commission's report.

By Mr. GUNTER :

Q. The agreement has never been carried into effect?—A. I do not know.

By the CHAIRMAN :

Q. Was it ever consummated?—A. I do not know.

By Mr. DEERING :

Q. This negotiation in regard to the exchange of a certain number of acres of land for another certain number of acres of land; by whom was that transfer arranged?—A. Messrs. Morrill and McFarland, and General Hatch.

Q. Then it was under the commission of 1878?—A. They made the agreement.

Q. Did they ever make an official report of their transaction?—A. Yes, sir.

Q. Where is that report now; is it in the Commissioner's office?—A. I suppose it must be there. There is one thing in connection with that business which might be stated. That commission was appointed to do a certain duty, and they did not undertake the duty they were appointed for. They were appointed to negotiate with the Ute Indians for their consolidation on or near White River. At the time arrangements were being made for the commission to go out on that business I had conferences with them and with the Secretary. The Secretary seemed to agree with the idea that I expressed, that they should be consolidated on the Uintah Valley Agency, on the White River; but when Mr. Hayt got back to his office (he was gone some time, I don't remember where) he immediately objected to their being moved to White River, and urged the commission by all means to get them to agree, if possible, to go to the Indian Territory; and so far as I had any knowledge

of it the commission went out with that in their minds, not to carry out the law, but to make some other arrangement.

By Mr. POUND:

Q. What was the relative value of those two tracts of land, 700,000 and 1,800,000? How do they differ as to fitness for the Indians, and in relative value?—A. I could not tell that. There was considered to be a difference; there had been an agreement made to have a commission appointed to appraise the lands and pay the Utes their value; but when it was left out of the formal agreement some of the Indians would not sign because it was left out, and a supplemental paper was forwarded to the Indian Office stating that, and the Commissioner recommended they should be paid a fair price for their land.

Q. Of course you are aware of the fact that the 700,000 acres of land may be vastly more valuable than the 1,800,000 acres of land; now, have you any knowledge of the value of those lands respectively?—A. It would be impossible. White men do not give anything more to the Indians than they get, in such cases.

By Mr. AINSLEE:

Q. What percentage of their subsistence have they been compelled to provide for themselves by hunting?—A. Well, the Utes, generally, about sixty-six per cent.; the White River Utes about fifty per cent.

By Mr. HASKELL:

Q. Has this treaty or transaction in regard to the exchange of this 1,800,000 acres for the 700,000 acres, and the other matters you have mentioned, ever been consummated?—A. If it has been acted upon it has been since I left the office.

Q. So that, as a matter of fact, there has been no exchange of 1,800,000 acres for 700,000; it has been simply talked about?—A. Simply talked about; and the only cause of grievance that the Indians could have in regard to that would be that there was an obvious intention to cheat them.

Q. The provision that they should be paid so much money for their land has never actually become an accrued liability on the part of the government; it has simply been talked about?—A. Simply talked about.

Q. That is, in case they did such and such things they were to get so much of their own money, and in case certain other things were done they were to make this exchange of lands?—A. The Indians were bound by the agreement, if the government chose to hold them to it.

Q. Is it the fact about that treaty that it is non-perfected and incomplete?—A. If it has been completed, it is since I left the office.

By Mr. GUNTER:

Q. Was the payment of the money which was already due them previous to this treaty that you speak of made a part of the consideration for the exchange of lands?—A. Yes, sir, in the first agreement it was; but not in the formal agreement which they signed some months after. It was left out of that, and then some of the Indians complained. I should think it would have been an additional cause of grievance that the commission went there to treat with the Indians, proposing to them to pay certain moneys already due them on condition that they agreed to certain things, and refusing to pay if they did not agree.

By Mr. WADDILL:

Q. Was that the McFarland commission?—A. Yes, sir.

Q. Then that was after the agreement whereby the Indians were to exchange 1,800,000 acres for 700,000 of land?—A. This was in getting them to agree to that.

Q. I understood you to state a while ago that there was a treaty by which that result was obtained?—A. An agreement—I don't know that it was ever consummated.

Q. You say that the Indians were bound by their agreement?—A. Yes, sir, they were bound.

Q. And was there not some party representing the United States who agreed to that also?—A. Yes; but until Congress ratified it it would not have any force.

Q. And that Congress never did, I understand?—A. If it has been done, it has been done since I left the office. I have not kept the run of it.

Q. Can you tell about when that agreement was made?—A. I cannot; it shows for itself. I think they signed the final agreement some time in October, 1878, and I think they signed this preliminary agreement some time in August.

Q. Then do I understand you to say, as a matter of fact, that the Indians do still hold those 1,800,000 acres?—A. That I don't know; I simply have the impression that some of them have moved, but I don't know. I think they have their title to it yet, though some of them may have moved off.

Q. I understood you to say a while ago that that agreement to exchange 1,800,000 acres for 700,000 acres was made, that the Indians were to be paid for that 1,100,000 acres excess, and that it was the payment for that excess that was left out of the McFarland agreement; is that what you said?—A. They were to be paid a fair price for their lands. The agreement did not specify that it was for the balance of 1,100,000 acres, but they were to be paid a fair price for their lands; and having agreed to exchange 700,000 acres for 1,800,000 acres, a commission was to be appointed to agree upon the balance that they were to be paid. That was the preliminary agreement which the Utes made, but afterwards, when they signed the final agreement, that was left out.

Q. That was arranged by a subsequent commission, was it not?—A. No, sir; the same commission.

Q. And you say that in order to secure the Indians' consent they used as a lever the withholding of the payment of what was already due the Indians?—A. Yes, sir.

Q. Annuities due under former treaties?—A. Moneys due under this Brunot treaty, and were withheld by express orders.

Q. And the Indians did agree then with that commission at this subsequent time to make the exchange without payment for their lands, and they were brought to that point by threats to withhold this money already due them; is that it?—A. No, sir. The first agreement was that the money already due them should be paid, and that they should have a fair price for their lands. That was preliminary.

Q. That agreement was signed by the Indians, was it?—A. Yes, sir. Then when the final agreement was made that provision was left out, so that the transaction appeared to be a mere exchange of 1,800,000 acres for 700,000 acres.

Q. And they used as an influence with the Indians to get them to sign that final agreement the withholding of moneys already due them?—A. No, sir; to get them to sign the first papers. The clerk of the commission, I think, was directed not to pay the Indians unless they would agree to this. It is in the report.

By Mr. ERRETT :

Q. But this final agreement was not consummated. Some of the Utes, you say, refused to sign because of the leaving out of that agreement to pay them.—A. Some of them did; and there was forwarded to Washington a supplemental paper from which the Commissioner undoubtedly saw that there was a bargain which ought to be carried out, and he recommended in his report that the Indians should be paid a fair price,

By Mr. WADDILL :

Q. You say the paper was forwarded—forwarded by the Indians?—A. By the commission, I think. It was sent in to the Commissioner afterwards.

Q. As a protest?—A. No; not as a protest.

Q. What was it? Did it set forth their grievances and the reasons why they would not sign?—A. I have not seen the paper itself, and cannot say.

By the CHAIRMAN :

Q. You have suggested that there are certain papers that would throw light upon this question, or upon your evidence here. Can you now describe them so that we can obtain them for the use of the committee?—A. I refer you to the monthly reports of the agents at the White River Agency, going as far back as the 1st of October, 1877; the issue reports and the correspondence and telegrams between the agency and the office here, and the circulars that were issued; also the supply reports and the correspondence and dispatches between the station-master and others at Rawlins and the office in Washington.

Adjourned.

WASHINGTON, *January 19, 1880.*

E. A. HAYT, Commissioner of Indian affairs, sworn and examined.

By Mr. HASKELL :

Question. When did you first take charge of the office as Commissioner of Indian Affairs?—Answer. On the 29th day of September, 1877.

Q. I believe it has been stated before the committee by two witnesses that between, say, October 1, 1877, or about the time when you took charge of the Indian Office, and the 1st of April, 1878, a large amount of supplies had accumulated at Fort Rawlins, the accumulation having taken place prior to this time, and they have stated that, to the best of their knowledge and belief, those supplies were not distributed, nor were any supplies furnished to the Utes from that time up to April 1, 1878, leaving the Utes all that time without food and without the supplies that properly belonged to them. I wish that you would make a statement of the facts in regard to that.—A. With the permission of the committee, I will answer that question by submitting a statement taken in substance from the records of the office :

Commissioner J. Q. Smith left the Indian Office on the 27th of September, 1877. At that time was lying at Rawlins, Wyo., 10,000 pounds of flour and 15,000 pounds of oats, which had been purchased in June, 1877, for the White River Agency; also the annuity goods for the White River Utes, which had been lying there since the fall of 1876, owing to default of transportation contractor D. J. McCann, whose case, on the 5th of June, 1877, had been reported to the Interior Department, to be referred to the Department of Justice. On September 24, 1877, Cap-

tain Nash had reported the bill of the Union Pacific Railroad to be \$650 for storage of the oats and flour and \$837 for freight charges and storage of annuity goods, and until those charges had been paid the Union Pacific Railroad refused to deliver the goods.

This was all the flour which had been purchased for White River, no bid having been received at the annual lettings in the preceding spring for the 100,000 pounds of flour asked for to supply the White River Agency for the fiscal year 1877-'78.

October 7, 1877.—Agent Danford reported that no supplies had arrived and Indians were impatient and suffering.

October 18.—The office, through Interior Department, requested the Department of Justice to replevin the annuity goods at Rawlins. (Letter signed by E. A. Hayt.)

October 29.—Agent reported that annuity goods, coffee, sugar, &c., for 1877-'78 had arrived safely, but no flour had come.

November 10.—Commissioner Hayt urged on the Department of Interior the necessity of expedition on the part of the Department of Justice in the replevin suit for the annuity goods and supplies.

November 13.—Chief Douglass arrived at Rawlins and telegraphed office asking that flour and tobacco be issued his band of about 400 at that place, as snow was too deep to transport it to agency.

I may say here that the White River Agency is situated in the mountains, nearly 200 miles to the south of Rawlins, and for the last 60 miles of the route it is almost impossible to transport merchandise, owing to the hilly character of the country and the snow, so that contractors will not undertake after the 15th of October to transport goods to the agency, and goods which are not delivered there before that time have to lie over until the following year. That is the reason that these supplies were left over from the previous year. I wish to relieve Commissioner Smith from any imputation which might be cast upon him in consequence of that fact. The appropriation bill was passed very late in the previous session, so that the goods were not bought until late in August, and it was not possible to get them in season to have them transported to the agency that year.

November 14.—E. A. Hayt telegraphed (I state that fact because it is claimed that I have been away from the office a good deal. I will account for the time that I have been away, and will make it very clear that the allegation that owing to my being away from the office these matters were neglected is utterly untrue) Captain Nash that district attorney had procured release of supplies held for charges, and asked him (Nash) to receive them, and stated that 400 starving Utes were waiting there for them.

November 15.—Captain Nash replied that the only provisions there were flour, which was held for storage—charges being \$740—and that he could not be spared to go to Rawlins.

He was at Cheyenne, but he was the Army officer there through whom we had done business when the Indians were in that vicinity.

November 16.—E. A. Hayt telegraphed Nash: "Storage charge on flour exorbitant. Send reliable man to Rawlins immediately to receive goods and flour. Indians are suffering for food."

November 17.—Nash replied: "Attorney has been busy and has not replevined goods. Who will receipt for stores turned over to Indians?"

November 17.—Office telegram (signed by U. W. Holcombe) to Nash: "Have Chief Douglass receipt for issues, which should be only sufficient to last to agency."

November 17.—Telegram (E. A. Hayt per Leeds) to District Attorney Johnson asking, "What has been done about goods at Rawlins?"

November 17.—Nash telegraphed that Chief Jack says there is no flour either at Rawlins or agency, that there are only blankets at Rawlins, and that rations should be purchased for them.

November 19.—Holcomb telegraphed Douglass: "Party has been sent to deliver sufficient goods to last to your agency, and to arrange for transporting balance."

I suppose that telegram was written under the supposition that it was possible to do it by some means.

November 20.—E. A. Hayt telegraphed Nash to purchase provisions enough for Utes to last one week, and to take Douglass's receipt for them, and asked if Indians could be accommodated in vicinity of Fort Steele.

I presumed then that they would have to stay there for the winter, and for that reason I asked that they should be accommodated at Fort Steele, intending to feed them there, and on some accounts I was very glad to undertake to feed them there. However, these Indians, as soon as they got something to eat, went off on a hunt on the Sweetwater; they did not want to stay at the fort.

November 23.—War Department offered to issue supplies to Indians at Rawlins, provided Indian Office could not, and stated that goods had just been replevined.

November 23.—Captain Nash telegraphed that 350 Indians were at Rawlins in bad humor and wanted goods issued there; that he had instructed his agent to inquire into their absolute necessities; and asked for instructions as to issuing of goods.

November 23.—Captain Nash reported by letter that on that day Utes would have issued to them at Rawlins one week's rations; that replevined goods could not be kept at Rawlins without expensive storage, and suggested that military commissary at military post could act as agent for Indian Office in distributing supplies to Indians during the winter.

November 24.—E. A. Hayt telegraphed Nash to give Indians another week's rations and such blankets, clothing, and dry goods as they needed, and to find storage for the remainder of the goods.

November 23.—There was purchased, for two week's rations for 260 Indians, 3,600 pounds flour, 2,380 pounds beef, 180 pounds coffee, and 100 pounds beans, for which Douglass receipted. The Indians then went off on a hunt, which was very successful.

On the 1st of December, owing to the failure of the Senate to confirm my nomination, I ceased to be Commissioner and left the office, and was away until the 17th of December, 1877. The Assistant Secretary, Mr. Bell, was Acting Commissioner during that time. Of course, that accounts for my being away from the office for seventeen days. I could not have been there under any circumstances.

December 13.—A. Bell (Acting Commissioner) telegraphed Danforth that Governor Routt feared outbreak of his Indians, and directed that report be made as to whereabouts of Indians and the practicability of their returning to their agency.

December 17.—E. A. Hayt wrote Vandever to go to Rawlins and report on feasibility of removing Indians to reserve or of feeding them at Fort Steele.

December 24.—Danforth replied that his Indians were off reserve because they were angry at the non-arrival of goods; that they were near Rawlins and on the Sweetwater, and that the snow need not prevent their return; that there was plenty of sugar, coffee, and beef at the

agency, but no flour; and that he had sent a man out to induce them to return.

December 28.—Danforth reported that twenty-four lodges on Snake River would return to agency at once, and that forty-seven lodges with Douglass on the Sweetwater would return next month.

December 29.—E. A. Hayt telegraphed Danforth to remain at Rawlins (the agent got through to Rawlins and telegraphed in Mr. Danforth's name, which led to the supposition that Danforth himself was there, but it turned out afterwards that it was one of his employés) until Inspector Vandever came, and said: "Douglass's band is making disturbance near Fort Fetterman. Some better arrangement must be made to furnish supplies and hold Utes on reservation."

January 6, 1878.—E. A. Hayt telegraphed Nash to purchase 10,000 pounds of flour and deliver to Wagner to transport to White River on his contract.

January 7.—Holcomb telegraphed Wagner that above flour must be delivered at once at White River on his contract.

January 6.—Vandever telegraphed that flour would have to be left on Bear River or Snake River, and that Indians had all left Rawlins.

The worst part of the road is between Bear River and the agency; it begins to be a mountainous, precipitous, and broken country from that point onward, and my supposition was that by having the contractor take the goods on as far as possible the Indians with their ponies could pack to the agency flour enough to supply them during the winter, and, as will be seen, that was finally done.

January 11.—E. A. Hayt telegraphed Edwards (who was representing Agent Danforth at Rawlins) that Wagner must take flour through to agency and that Indians must go to agency for it.

January 21.—Edwards telegraphed that Wagner would not start teams unless he could leave flour at Bear River, it being impassable beyond.

January 22.—E. A. Hayt telegraphs Wagner that the flour must go at once.

January 23.—Wagner telegraphed: "Flour leaves to-day for the agency."

January 23.—E. A. Hayt telegraphed Edwards, an agency employé, "We are advised that contractor will take flour to agency."

That was a misunderstanding of his dispatch. He said, "Flour leaves to-day for the agency." We understood by that dispatch that he would by some means get it through, but that was found afterwards to be utterly impossible, and it had to be left on Bear River.

January 23.—Wagner wrote that flour could not be taken to agency, but that he would take it to the nearest point possible; that in his bid he had stated that under no circumstances would he agree to transport freight later than the middle of October.

January 23.—Vandever advised that flour be distributed to Indians at Bear River.

February 4.—E. A. Hayt returned to Secretary of the Interior War Department letters suggesting that Indians be fed at Fort Steele, with remark that as Indians were on their way to the agency such an arrangement was not then necessary.

February 7.—Danforth reported that flour had been unloaded at house of settler on Bear River, and that Wagner should be required to bring it to the agency.

March 1.—Holcomb telegraphed Wagner: "Shall hold you responsible for delay and additional cost, if any, unless you at once arrange to take flour from Bear River to agency."

That was getting to be a season when it was hoped that some effort might be made to get it through.

March 5.—Wagner telegraphed: "Have sent freighters to Bear River to take flour to agency as soon as roads will permit."

March 5.—Holcomb telegraphed agent of above.

March 21.—Danforth notified office that flour was still at Bear River, that more than the 10,000 pounds would be needed.

April 7.—He repeated above information.

April 5.—Office telegraphed Mason & Hottel to know at what rates they would furnish 25,000 pounds flour at Laramie.

May 10.—Leeds telegraphed Wagner that Mason & Hottel would deliver him 25,000 pounds of flour and 7,600 pounds oats, which should be hurried to White River.

May 10.—Leeds wrote Danforth that flour at Bear River was then on way to agency, and notified him of above purchase of 25,000 pounds.

May 20.—Leeds telegraphed Nash to go to Rawlins and deliver to Wagner the 1876 annuity goods which he stored last fall, also to find terms on which railroad will give up flour and oats, and ascertain condition of same.

May 28.—Nash reported goods at Rawlins turned over to Wagner. Flour damaged 33½ per cent., oats 50 per cent., and not worth transporting. Railroad would not deliver them up except on payment of charges. Advised selling them at auction. Reported Utes just returned from hunting with good success.

July 17.—Office telegraphed Meeker that flour and oats at Rawlins have been abandoned on account of excessive charges.

This is merely brought in to show the history of those goods and to show that it would not have been wise for the government to take them and pay the charges because other flour and oats could be bought at that time for twenty-five per cent. of the money.

August 1.—Meeker reports arrival at agency of the 1876 annuity goods.

These goods were bought in 1876, but so late that there was no time to transport them to the agency that year. The appropriation was made late and the goods were bought late. Now the committee will observe from this statement taken from the records that the Indians had everything that belonged to them except flour and the annuity goods, which, of course, it was impossible to get there.

By Mr. DEERING:

Q. In the commencement of your statement you mentioned the time when the appropriation was made, which was so late, you say, that it embarrassed Mr. Smith; what year was that?—A. Eighteen hundred and seventy-six.

By Mr. POEHLER:

Q. I understand you to say that the annuity goods of 1876 did not get to the agency until the 1st of August, 1878?—A. Not until the 1st of August, 1878.

Q. Two years later than it should have been?—A. Yes; they must have been purchased in the month of August or September, 1876, and they arrived there in August, 1878, having remained all the time at Rawlins.

By Mr. WADDILL:

Q. You say they lay at Rawlins all this time. Now, do you under-

stand why were they not sent from Rawlins? They could have been sent in August and September?—A. The trouble was this: The transportation contractor from Rawlins to the agency finished with the 1st of July; therefore they were not delivered to the contractor, and they had to wait there until the next contract was made.

Q. And that was delayed by appropriations?—A. No; the first one was delayed by appropriations. They got there too late for that fiscal year, and then they had to be transported under the transportation contract of the next fiscal year. If the goods do not reach the contractor having a contract before the close of the fiscal year he cannot touch them. They have to wait until another contract is made.

By the CHAIRMAN:

Q. Could that other contract have been made in time to have got the goods there that fall?—A. You see they arrived there some time too late in 1876 to be shipped. They lay there through 1877 before I came into the office.

Q. You came into office in September, 1877?—A. Yes, sir.

Q. Was there no means of having them shipped and conveyed to the agency after you came in? Could it not have been done?—A. It is just possible that they might have been carried through sooner, but the other goods had reached there in the mean time. The other goods got there in season, but those of 1876 did not reach them until the next year. They really did not need them.

Q. They did get other goods, then?—A. Yes, sir; they got other goods just before I came into the office. I read you the report that the annuity goods for that current year came through (except flour), and, of course, there was no urgency for those of 1876.

By Mr. POEHLER:

Q. When were the goods for 1876 transported to the agency?—A. They arrived at the agency on the 1st of August, 1878.

Q. Would not that make a double amount to be issued to the Indians at that time?—A. That would give them more goods there. Of course, next year's supplies came right on top of them.

Q. And they were all issued?—A. I would say this: From the time I came to the office, subsequent to this period, not only the Northern Utes but the Los Pinos and Southern Utes have been amply supplied. All the money appropriated has been expended for goods, and there has been plenty of goods. At the time of the outbreak the goods were coming in quantities to the agency besides what they had on hand.

Q. I cannot see why either the old contractor or the new would not have transported those goods in 1877. The old contractor has his contract until the 1st of July, giving him the spring after May, and the new contractor comes in on the 1st of July (the contract having been made before that time, of course).—A. But you understand we did not get the goods finally in our possession time enough to get them through on the 1st of August, and they were withheld for charges. D. J. McCann, the contractor, did not pay, and the railroad company would not give up the goods; we sent through the Department of Justice to have them replevined, and just as soon as they were replevined they were taken through to the agency. That is the reason.

By Mr. HASKELL:

Q. In the mean time, the 1876 goods having failed, the 1877 goods went right on?—A. Yes, sir; and the 1876 goods, as soon as they came out of the hands of the railroad company, were forwarded without delay.

By Mr. DEERING :

Q. You say the appropriation was made in August, 1876 ?—A. It was made very late ; I don't remember the date exactly. I think the purchasing commenced in August.

Q. The indications from those dates are, that the goods would have arrived at Fort Rawlins in December, 1876. Now, there were nine months intervening ; do you justify the seeming neglect on the part of your predecessor for so long a period ? There was the whole of the following summer after they arrived.—A. But you notice that I have just said that those goods were held by the railroad company for the freight charges that this contractor had failed to pay, and they were replevined just as soon as it was possible to do it.

By Mr. POEHLER :

Q. That was done under your administration ?—A. Yes, sir.

Q. But the previous administration had a long time during which they should have done it.—A. O, they ought to have got goods there in the summer of 1877 ; if those goods were detained, other goods should have been sent. You see there was flour at Rawlins for that agency on the 1st of June, 1877, that remained there until the advices reached here very much later.

The agreement made with the Southern and Los Pinos Utes by this Hatch commission was in accordance with an act of Congress, that is the commission was appointed in accordance with an act of Congress, and that act required that they be consolidated upon the White River. It was found by the commission utterly impossible to consolidate the Indians there with their consent, and if their consent could have been obtained, it was found to be utterly impossible to make them self-supporting at that place. For that reason the commission made another agreement with them, by which they agreed to take this territory (indicating on map), about 700,000 acres, in the place of 1,800,000 acres in this vicinity. That agreement was made by the commission without any stipulation to pay the Indians a cent for the territory relinquished.

By Mr. WADDILL :

Q. That was the McFarland commission ?—A. The Hatch-McFarland-Morrill commission. When the report of that commission was forwarded, the following letter was addressed by me to the Secretary of the Interior for transmission to Congress :

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 3, 1879.

The Hon. THE SECRETARY OF THE INTERIOR :

SIR : I have the honor to acknowledge the receipt of your communication of the 21st ultimo, transmitting the report, dated the 27th December last, of the Ute commission, for examination and recommendation by this office, with a view to its proper submission by the President to Congress.

By act of Congress approved May 3, 1878 (Pamphlet Laws, page 48), the President was directed to enter into negotiations with the Ute Indians of Colorado for the consolidation of all their bands at one agency, to be located on or near White River, and for the relinquishment of their right to the southern portion of their reservation in said State.

The President designated Maj. Gen. Edward Hatch, U. S. A.; Hon. William Stickney, of this city, and N. C. McFarland, esq., of Topeka, Kans., as a commission to conduct said negotiations, and instructions were issued to them by this office on the 29th June, 1878. They subsequently assembled in Colorado in pursuance of their duties, where Mr. Stickney, by reason of illness, tendered his resignation as a member of said commission, which was accepted by the President, and Hon. Lot M. Morrill, of Maine, appointed to fill the vacancy.

As appears from the said report, the commission were unable to accomplish the con-

solidation of the various bands of Ute Indians, but did succeed in obtaining from them a cession of the southern portion of their reservation in Colorado.

Among the papers submitted with said report is an agreement, entered into at Pagosa Springs, Colo., on the 9th November, 1878, between said commission, acting in behalf of the United States and the chiefs and headmen of the Muache, Capote, and Weeminuche bands of Ute Indians in said State, by which the latter release and relinquish all their right to and interest in the Confederated Ute Reservation in that State, and particularly that portion thereof lying south of the parallel of thirty-eight degrees and ten minutes (38°10') north latitude, and agree to remove to a new reservation during the spring and summer of the present year, and as soon as an agency shall be located thereon and buildings erected therefor.

The agreement further provides that such new reservation shall be set apart by the government for the use and occupancy of said bands of Indians on the headwaters of the Piedra, San Juan, Blanco, Navajo, and Chama Rivers, in the State of Colorado, its precise boundaries defined by proclamation of the President, an agency established during the spring and summer of 1879, and suitable buildings for agency purposes erected thereon. Said agreement further binds the Indians not to obstruct nor interfere with travel upon any of the highways now open, or hereafter to be opened, by lawful authority upon their new reservation.

Other papers, filed with said report, signed by the chiefs and headmen of the Tabeguache, Yampa, and Grand River Utes of Colorado, and of the Uintah band of Utes, in the Territory of Utah, concur in said cession of the lands immediately south and west of the San Juan mining district, which are those described in the agreement aforesaid. It will thus be seen that said cession is concurred in by all the different organized bands of Ute Indians. I have the honor to recommend that said agreement, with the papers showing the assent thereto of the other bands of Utes, be submitted to the President for transmission to Congress, with a recommendation for early confirmation thereof by that body.

I have prepared, after full consultation with General Hatch, chairman of said commission, a diagram representing the location and boundaries of the new reservation provided for in said agreement, and submit the same herewith.

It is estimated to contain an area of about 728,320 acres, and in physical features and convenience of access is believed to be well adapted to the purpose for which it is designed. It has a healthful climate, abounds in game and fish, and embraces a number of valleys of considerable extent and great fertility. Its area is sufficient to provide homes for all the bands of Ute Indians of Colorado and Utah, should subsequent negotiations succeed in accomplishing the much desired result of uniting them upon one diminished reservation. From the most reliable data at the command of this office it is believed that the members of all said bands do not exceed four thousand persons, and the reservation so provided is therefore evidently ample for their wants.

The area ceded as aforesaid is estimated to amount to about 1,894,400 acres, being an excess over the 728,320 acres embraced in the new reservation of 1,166,080 acres. For this excess the Indians should receive a fair compensation, and although no provision therefor is found in the agreement of cession, the justice thereof is so evident as to admit of no question.

That they expected compensation for the lands so ceded by them is fully apparent from an examination of the report of the commission, with its accompanying documents. It is shown thereby that at first they declined to entertain any proposition looking to a further cession of any portion of their territory.

Afterward, however, by a paper signed on the 25th August, 1873 (herewith), they consented to remove from their present reservation, and agreed to sell the same at a price to be fixed by the commission and the Utes. While this was not carried in the agreement subsequently made, it shows the views and feelings of the Indians upon the subject.

I have, therefore, the honor to recommend that Congress be asked to provide for the survey and sale, through the United States land office for the proper district, as part of the public domain, of the lands ceded as aforesaid, and for the statement of an account showing the net proceeds of the sale of the excess aforesaid, after deducting the expenses of such survey and sale, and for the investment of such net proceeds in four per cent. bonds of the United States, for the common benefit of all the Ute Indians who may settle upon the new reservation provided for in said agreement.

I have the honor to recommend, further, that Congress be asked for an appropriation of twenty-five thousand dollars for the erection of agency buildings, including residence of agent, and for the removal thereto of the Muache, Capote, and Weeminuché bands of Ute Indians.

I have prepared and submit herewith, in triplicate, a bill for the confirmation of said agreement, and for carrying into effect the survey, sale, investment, and appropriation aforesaid, and respectfully recommend that all the foregoing papers be laid before Con-

gress by the President as a part of his report, in compliance with the provisions of the act.

I also respectfully submit herewith duplicate copies of this report, and return the papers transmitted by the department to this office with said communication of the 21st ultimo.

Very respectfully, your obedient servant,

E. A. HAYT,
Commissioner.

The date of this letter was February 3, 1879, and long anterior to any dissatisfaction or hostilities on the part of the Northern Utes. I think that statement disposes of all that has been said about making a treaty with them and taking their lands without paying them, they ceding on their part 1,800,000 acres, and we giving them 700,000 acres, and the dissatisfaction which grew out of it.

Now, there was one more cession which that commission negotiated, and that was the little Four Miles Strip, north of the town of Ouray. The Indians agreed to sell that for \$10,000 in cash, but none of these propositions have been acted upon by Congress; therefore nothing has been done.

By Mr. POEHLER:

Q. Why didn't the commission make any provision for the payment for the balance of these lands at the time the treaty was made, or some definite arrangement as to the way in which it should be settled? Didn't the Indians, by this being left out, become dissatisfied and think it was left out intentionally, and that they should be paid for this balance of 1,100,000 acres of land?—A. I think that such is not the fact. I think the Indians expected to be paid, as I intimate in this letter, for the difference, although in the treaty there is no stipulation covering or guarding the Indians on that point.

Q. But didn't the Indians insist upon such a stipulation? Why was it not inserted in the agreement signed by the Indians?—A. The Indians have said nothing more about it than what appears on the paper here. It looks as if they expected to be paid for the difference, but there is no stipulation in the agreement covering that right of the Indians.

By Mr. GUNTER:

Q. And hence that letter suggests it as an equitable act?—A. Yes, sir; I asked that this should be sent to the President, and sent with his report to Congress in compliance with the act.

Q. This, I understand, is your own report?—A. Yes, sir; and suggestion.

By Mr. POEHLER:

Q. A suggestion made by your office?—A. Yes, sir; by myself, personally.

Q. But did the Indians know that this suggestion was made by the office as to how the balance of their lands should be settled for?—A. The Indians have never been informed on that subject.

Q. Don't you think that, understanding that their treaty was signed making an exchange of 700,000 acres of land for 1,800,000 acres without any provision being made for payment for the balance of the land, they thought an advantage had been taken, and that they had been used in that way by designing persons?—A. I do not suppose that the Indians really knew anything about it. Their knowledge extends only this far: They thought they were covered for that in the treaty. It is evident from the papers accompanying the treaty and the inter-

views with the Indians during the councils that they expected that, but the commission failed to do it. Mr. McFarland said that they made this exchange without committing the government to pay a cent for the difference. I said to him, "I think you have made a mistake. The Indians ought to be paid for their lands as well as anybody else, and it is the duty of the Indian Office to see that they are paid."

Q. But McFarland making that expression, and that idea going out, didn't that idea get to the Indians that this exchange was made without any provision to pay them for the balance of the land?—A. No; I do not think that ever got to the Indians. I do not think they understand it now.

By Mr. ERRETT:

Q. Have they ever been paid?—A. O, nothing has been done.

Mr. HASKELL. There were two agreements, as I understand: the original schedule in which payment was contemplated for the lands and with which the Indians were satisfied. That is the original draft. Now, the commissioners drew up a new one with this left out. The Indians had no reason to doubt that their original agreement will be complied with. They have just as good reason to believe that their original understanding will be carried out as to believe that a subsequent recommendation by the commission, not indorsed but disapproved by the Indian Bureau, will be carried out.

Mr. ERRETT. The bureau differs with the commission, but the treaty has not been disapproved.

The WITNESS. By law we are forbidden to make treaties with the Indians; these are mere agreements; the whole matter is in the hands of Congress.

By the CHAIRMAN:

Q. Was there ever an agreement with these Ute Indians by which you were to pay them for their lands?—A. The agreement does not cover that.

Q. When was the original agreement made?—A. O, the lands belong to them; that is all.

Q. Then there is but one agreement, and that is the McFarland-Hatch agreement?—A. Yes, sir.

Q. And in that there was no stipulation that they would be paid for the excess that we got?—A. There was no stipulation that they should be paid.

Q. I understand from you that they did not even insist upon it?—A. Yes, the Indians expected it.

By Mr. ERRETT:

Q. What led them to expect it? Was there any act upon the part of the Indian Bureau?—A. We have had no communication with the Indians on the subject since the report of this commission. There has been no action taken between the Indians and the office. They have made no complaint.

By the CHAIRMAN:

Q. Then nothing took place between the government and the Indians prior to that time which gave the Indians any reason to expect that they would be paid for this excess?—A. Well, the Indians did expect it.

Q. But the government did not commit itself to that theretofore?—A. No, sir.

Q. Are the Indians generally as careless about their treaties or negotiations as that, to be willing to give up 1,800,000 acres for 700,000 with-

out asking pay for the difference?—A. As I have stated in this letter, the Indians in council expected to be paid.

Q. Are they as careless as that generally?—A. Sometimes they are very careless and sometimes very shrewd. You cannot establish any rule in regard to that, and the fact that has been alleged here that my report created dissatisfaction in Colorado among the Indians is simply mythological. I doubt whether there is a single copy of that report on the reservation. We do not send them there. They are circulated in the East mostly and not in the West, nor in the vicinity of these reservations. It is quite possible that there is not a single copy of the report of 1877, in which there was a general recommendation that the Indians be taken out of New Mexico, Colorado, and Arizona and put into the Indian Territory, so that there is not out there a single copy. It was a general remark. Those three things were taken together so that they would not take it as invidious even if they knew of it.

By the CHAIRMAN:

Q. Was there any effort made by this commission to get them to go to the Indian Territory?—A. They were instructed if they did not agree to go to the White River to ask them if they would go to the Indian Territory.

Q. What was your understanding, that they were willing or unwilling?—A. Unwilling. They did not express any desire to go there.

Q. Were they very much opposed to it?—A. I do not think they expressed any decided opposition to it. They preferred to remain in Colorado.

Q. But you do not think they were opposed to it?—A. There was no decided opposition to it on the part of the Indians. Mr. Morrill, one of the commissioners, thought that after awhile the Indians would be educated up to wishing to leave their own country for arable land where they could cultivate the soil.

Q. Where you find that Indians seem to be opposed to a removal, is it wise to continue to recommend it and insist upon their going there?—A. There is no insistence upon it on my part; it is simply a recommendation, and the reason for the recommendation is this: In this vicinity there are 600,000 square miles of mountainous country. So far as the troops of the United States are concerned, they cannot operate successfully there. I am apprehensive that if General Merritt's troops had gone on they would have been picked off in detail. The Indians are entirely acquainted with the country, and it is admirably adapted to Indian warfare. It is like the lava beds, broken, rugged, and it is impossible to use artillery. You can see that the troops would be placed at serious disadvantage, especially as they had with them no Indian allies.

By Mr. POEHLER:

Q. I understand you that in the council between the Indians and the commissioners it was understood that the Indians should be paid for the excess of land?—A. The Indians assumed that in their council, but when the agreement was written one of the members of the commission said to me, "We got this without a stipulation in the agreement to pay one cent to the Indians." I said, "I think that is wrong."

Q. Then, this same idea that the commissioners in making their report without providing in some way or giving the understanding in some way how it should be settled has gone out, because it has been stated here by one of the witnesses that it was one of the causes of discontent.

The WITNESS. That was related by Mr. Leeds, was it not?

Mr. POEHLER. I cannot say.

A. Well, he got the information in the Indian Office, so that you see it does not come from the outside.

Q. I want to know whether that idea has not got out among the Indians?—A. No; I think not. We have taken the pains to send it up with a bill accompanying it, stating that the Indians should be paid in full.

The CHAIRMAN. It seems to me the department has done all it could to have justice done.

Mr. POEHLER. Yes; but it seems to me that the commission did wrong to make an arrangement that they should not be remunerated.

The WITNESS. I am sorry to say that it seems to be a fault with most of our treaties that they look out very sharply for the United States and not so sharply for the Indians.

By Mr. WADDILL:

Q. In regard to that bargain of 700,000 acres of land for 1,800,000, under that partial or inchoate agreement, did the Indians go from the 1,800,000 acres to the 700,000 acres?—A. No; they still retain possession of the land; they have parted with nothing.

Adjourned to Thursday, January 22, 1880.

WASHINGTON, *January 19, 1880.*

CLINTON B. FISK sworn and examined.

By the CHAIRMAN:

Question. State your residence and occupation.—Answer. I reside in New Jersey, and do business as a banker in New York.

Q. Have you had any connection with Indian matters?—A. Somewhat. I have been a member of the Board of Indian Commissioners about six years.

Q. We are investigating the recent outbreak among the Utes, and if you know anything that will throw light upon that matter we would like to have you state it in your own way.—A. The causes for irritation among the Utes, I think, are many, and dating back as far as the execution of what is called the Brunot treaty in 1873, when the Indians thought they were misunderstood or misrepresented in their agreement as to the quantity of land they were to cede under that contract. If you are familiar with the large reservation which then existed in the western part of the Territory and also with the Brunot treaty you will remember that in 1873 Mr. Brunot went there on the part of the government to engage for a withdrawal of a portion of the Indians' land. It is claimed that they supposed they were only surrendering their mineral lands, and that instead of leaving a strip of land fifteen miles wide on the southern limit and twenty miles wide on the western, below the line of the Los Pinos Agency, they were really retaining forty miles on the western and thirty on the southern side. They claimed that they did not understand that they in any wise were to relinquish their rich lands on the San Miguel, but chiefly to give up their mineral lands, which were then much sought for in the San Juan region. They also claimed that inasmuch as many of their head men and others were not at that council at Los Pinos in 1873, but runners were sent out to them with the papers to get their signatures, the signatures were not really obtained, but were put down by some unauthorized person and sent for-

ward here. Those things have been talked about among the Utes during all the years since 1873, and have been a cause of irritation at all the agencies. Then following this agreement came the failure of the government to pay them annually this \$25,000 in money. That was the cause of a good deal of irritation, as they expected to get it but did not. Coming up to the White River Utes, as I understand it, a very serious cause of irritation among them again in 1877 was the failure to deliver to them their supplies which had been bought the year before, and in that connection, if you will permit me, I will read a short paragraph from the report of Mr. Danforth for 1877, who was at that time the agent. He says: "An unusual number of Indians have been off their reservation during the past year, and they remained away for some time. There are several reasons for this. The annuities and supplies furnished these Indians amount to, at a liberal estimate, not over one-half that required for their support. None of their annuity goods and but part of their supplies have reached this agency during the year. Goods purchased in August of last year have been lying in the railroad depot, 175 miles away, since November last, a period of over nine months. Flour purchased the first of June is still at Rawlins. No clothing, blankets, tents, implements, or utensils of any kind have been issued at this agency for nearly two years; no flour, except once fifteen pounds to a family, since last May. In addition to their proportion of their subsistence which the Indians provide for themselves, they have had this great deficiency to make up wholly or in part in some way. With the exception of a few families, the only way in which the Indians here know how to provide for themselves is by hunting. By prohibitory regulation of the department the sale of arms and ammunition on the reservation has been prohibited. At the same time the Indians have had only to go off their reservation to obtain all the arms and ammunition, both loose and fixed, which they desire, a number of trading-posts being accessible, and no white man refusing to furnish these articles to the Indians; a pretty good evidence, when there is no feeling in the community against it, that the people do not stand in any great fear of the Indians. Many settlers have made it their principal business to trade with the Indians during the past year, and have offered every inducement for them to leave their reservation." That is the report of Agent Danforth in the autumn of 1877.

By the CHAIRMAN:

Q. That was to Commissioner Smith, was it not?—A. I don't remember when Commissioner Smith went out. It was about this time, I think. The failure to transport the goods bought the August before was, of course, in Commissioner Smith's administration. The goods were purchased in August, 1876, and had been lying for months and months in the warehouse at Rawlins, as the agent states. The failure to supply the Indians continued during the winter and in the spring time, when the Utes themselves went to Rawlins to see if they could get some of the supplies. I was in Colorado in the summer of 1878 when the complaints of the Indians were among the worst, and had correspondence with Agent Meeker about it, and a good deal of correspondence with the Rev. Dr. Crary, of the Methodist Episcopal Church, who in that section of the country kept us advised at our mission rooms in New York of the condition of Indians affairs so far as possible. The doctor was importunate in his pleadings, as was also Mr. Meeker, that there should be something done to relieve these people.

Q. Did you take any steps to inform the Commissioner?—A. Yes, sir.

That is, I communicated with our office here, the Board of Indian Commissioners, as was my duty, and kept them duly informed of everything I knew pertaining to Indian affairs out there.

Q. Was it their duty to communicate with the Indian Office?—A. Yes, sir. I was in Colorado also when the commission, consisting of General Hatch, Mr. McFarland, and Mr. Stickney originally (subsequently Senator Morrill, of Maine, took his place), were making preparations to go to work, and I intended to accompany them as the representative of our board, but my views were not at all in harmony with what appeared to be their instructions, and not wishing to be in conflict with any one I did not go any further than Alamosa, and there I left them. I think the way that commission was carried on was a source of a good deal of irritation and dissatisfaction among the Utes, not only at White River but generally. They complained in this, that the moneys due them were withheld, and that there was a proposition to pay them what we honestly owed them only on condition that they would give us more of their lands, and it was proposed to give them some candy and a little calico, and get them good natured and make this new bargain. General Hatch at first was firmly of the opinion that he ought not to go unless he had the actual money due them to show that we were at least prepared to comply with our old covenant to pay them this \$25,000 a year. I think the bargain then made was a cause of irritation, keeping the Utes stirred up. The failure on the part of the Utes to get these supplies was a serious cause of irritation. The change of agents at the White River Agency in 1878 was a most unfortunate thing. Mr. Danforth, who had been the agent at White River for four years, was a very able man and a very good man, and with his wife had been there four years with them, and had done something, not very much it is true, but something, to teach them agriculture. His wife also had been a most faithful teacher of the Indian children, so far as she could gather them together. She had taught the Indian women the arts of cookery and housekeeping, and had done very much to give the White River Utes an idea of a good home. Unfortunately, the Danforths left the agency in 1878, and then very unfortunate, I think, for the White River Utes and the whole Indian service, was the fact that the Indian Department did not at that time conform to the policy which had been adopted by the Board of Indian Commissioners and certain religious bodies, that the agents at these different agencies should be nominated by them and they be held responsible for the nomination of good men. Mr. Danforth was the nominee of the Unitarian society; he was from Boston, and had very faithfully discharged his duty, and, as I understand, they were prepared to nominate an equally good man to take his place. It was thought best, however, at the Indian Office, to make that appointment themselves, and they did appoint Mr. Meeker, a most excellent gentleman, whom I had known for a great many years, but about as unfit for the position as a man could possibly be to go into that country, take hold of the White River Utes and manage them; destitute of that particular tact and knowledge of the Indian character which is required in an agent; a man of too many years to begin with, unhappily constituted in his mental organization for any such place. His whole agency and administration I regard as almost a failure; and his management of the Utes when they became troublesome, and his threats to bring the soldiers in (if the reports we hear are true, I don't know anything about that myself, I am merely giving you my opinion now) had very much to do with the final massacre. The sending in of the troops—the troops were coming and the Indians knew that, for there is nothing

of any moment pertaining to the Indians but what they understand; the fact that the Commissioner had thought it best to recommend that they be transferred to the Indian Territory was all understood by the wisest Indians, and they did not want to go there; they felt as if they would like to remain at home in Colorado; all these causes, the failure to give them their supplies, their starving condition away back, Mr. Meeker's unfortunate appointment and administration, awakened the old Indian frenzy; the soldiers were coming in just as it had been said they should come; they were met out there with this fierce fight; one of the Indians who was in the fight starts for the agency and carries the news there of this bloody fight, and then follows in this wild excitement the massacre. That is about the story as I understand it.

By Mr. GUNTER:

Q. You speak of these supplies being withheld for one winter and spring; were the Utes in a starving or suffering condition during the time of that suspension or withholding of their supplies?—A. I so understand—that they walked to the Union Pacific Road, to Rawlins. Correspondence on file in our office here, I think, would give you dates.

Q. Was it practicable at that season to get the supplies to them?—A. At what season?

Q. At the time they were withheld.—A. O, it would have been practicable, of course, to transport those supplies for months.

Q. Months before they got them?—A. Yes, sir. This is the report of the autumn of 1877, from which I have read an extract, and the agent refers to goods purchased nine months before, when he says, "goods purchased in August of last year had been lying in the railroad depot, 175 miles away, since November last."

Q. That was in September, 1877?—A. Yes, sir. It was in the spring of 1878 when the Indians walked over to Rawlins.

By the CHAIRMAN:

Q. Have there been any complaints of supplies from that time to this?—A. Well, I have heard of no complaints since 1878.

Q. But there was complaint up to 1878?—A. Yes, sir. This was in the summer of 1878 that the correspondence was between Doctor Crary and myself about it, and I was in Colorado in the summer of 1878.

Q. You do not know of any failure since that time?—A. I do not.

Q. Has it been the policy of the Indian Bureau to appoint agents at the suggestion of certain denominations?—A. Yes, sir. As far back as 1870, in the former administration, the Board of Indian Commissioners were requested to apportion the agencies among the different religious bodies of the country, asking them to make nominations of good men, to recommend for appointment good men for the agency. Those recommendations would go to the Indian Bureau and from thence to the President and he would appoint. That was the established policy.

Q. Your object was simply to get good men?—A. Good men, and competent men.

Q. For whom these denominations would be responsible?—A. The denominations would feel in a large measure responsible for the class of men they put in. Of course there would be mistakes made sometimes, and men would go out good and soon fall—that is, occasionally.

Q. Do you know any reason why that policy was departed from in the case of Mr. Meeker?—A. No, sir, I do not. I think Agent Meeker was regarded in the department as an excellent man, and a Colorado

man, and a Western man, and they thought it wise to try the experiment.

Q. You have spoken of the instructions given to that last commission which went out in 1878, and said you were opposed to their instructions.—A. Well, the negotiations contemplated were negotiations which would remove them to the Indian Territory. I had been opposed to removing the Indians to the Indian Territory; I did not believe that any should go there, but that every community should keep and take care of its own Indians. We had driven them to the Pacific Ocean and they were on their way back, pushed out here and there, and I believed that by and by, no matter how many we put in the Indian Territory, somebody would want them out of there too, the white people would want to occupy the Territory, and the railroads would want their lands, and they would be compelled to find some other resting-place. I thought that with all the valuable agricultural land there was in Colorado, the Utes, who owned that land, ought to be permitted to stay on it and be protected on it.

Q. Had you any other objections to the instructions given to that commission?—A. This temporizing about paying the Indians what was due them I objected to. I did not think it was fair play, and I was not in favor of that way of dealing with them.

Q. Was the agreement ever carried out?—A. I think it was. There is a printed volume somewhere (which I have never looked over myself) which will give you a history of all the work of that commission, its singular work in some respects; for example, the distribution of a pound of candy to an Indian to get him sweetened up to a point of making the desired bargain, and ten pounds to the chief.

Q. Does the report show that?—A. I think it does. If it does not, there are papers which would show it. The secretary of that commission was the son of the secretary of our board, Mr. William S. Stickney, and he could give you full information about it. He could also give you much information about White River, which point he visited in the autumn of 1878.

Q. Is he in the city now?—A. He is in the city. He is a very intelligent young gentleman, who I presume would be of great service in enabling this committee to reach correct conclusions. Also, the report of Lieutenant McCauley would be a very valuable document for this committee to examine. Lieutenant McCauley accompanied the commission as an officer of General Hatch.

Q. Have you any reason to believe that the Indians were forced in any way to make that treaty, or that they were dissatisfied about it afterwards?—A. I have not much information about that, nothing that I would want to base an opinion upon. In conversation with Ouray he tells me that it was a source of great irritation among them, the way that commission was managed.

Q. Do you know what their complaints are now, and how they justify their action out there?—A. Only as I am informed by Ouray. I have not talked with the other chiefs. I propose to visit them and confer with them if it shall be agreeable to the Department of the Interior.

Q. We would like to hear Ouray's complaints and his account of why these troubles were brought on?—A. Ouray goes back to the beginning of the Brunot treaty trouble, the failure to pay the Indians their money, the encroachment by whites all the while upon their mineral lands, the failure to give them supplies, the orders forbidding them to purchase arms and ammunition on the reservation, and forcing them to go elsewhere to buy ammunition to kill game to live upon on the reservation; and I think

his opinion as to Mr. Meeker's fitness is about the same that I have expressed to you. He tells me that a delegation of the White River Utes came to Governor Pitkin and complained of Mr. Meeker and his methods. He says also that they visited the agent at Los Pinos and gave him the facts that they wanted communicated to the department here respecting their causes of complaint; Mr. Abbott, I think he told me, was the agent.

Q. Does he justify in any way this massacre at the agency?—A. O, not the slightest.

Q. He does not justify or excuse it at all?—A. Not at all, except that he says that those who took part in it were Indians who really did not understand about matters; that they had been threatened with manacles and with the soldiers, or the soldiers were in fact coming in, and the fight had taken place and in the wild passion of the moment came the massacre. Ouray tells me that it is simply impossible that the women should have been outraged, as it is reported they were; that he has looked into the matter thoroughly; that they all said to Inspector Pollock when they came in that they had been with the Indians all the time as one family, all together, and, as Ouray said to me, "How could an Indian do that with his own wife alongside of him?" He says that it is an afterthought on the part of somebody to increase the feeling against the Utes. He looks at it from that standpoint. How correct he may be I cannot tell. You have talked with him, I suppose?

The CHAIRMAN. No; I have not.

The WITNESS. I think Ouray would give you about as intelligent a résumé of the whole trouble as any person you could examine.

Q. Have you anything to add to your general statement?—A. No, sir.

By Mr. POEHLER:

Q. Those supplies that laid at Rawlins for nine months, what was the reason that they were not transported to the agency?—A. The contractor's failure, I understood, to discharge his duty.

Q. Could they have been transported without great difficulty between October and March?—A. I think they could that year. You notice that Major Thornburgh had but very little difficulty in getting in there the last of September or the first of October, and a contractor for transportation tells me that there have been times when they could go in there any month in the year. I have no doubt that if there had been an intelligent and honest effort to feed the Utes at that agency it could have been done.

Q. Do you know any reason why those supplies were not sent sooner, so that they might have got there before October 1?—A. The supplies had been waiting at Rawlins for nine months, lying there ready to be loaded on the wagons.

Q. Was that under the present administration?—A. That was under the present administration. The report of the agent which I have just read gives all the facts.

Q. That period of nine months was not in the administration of the present Commissioner?—A. O, no, sir. As to complaints against the Commissioner for not doing his duty, I should be inclined to be more severe upon Commissioner Smith than Commissioner Hayt, because Commissioner Smith inaugurated this system of delay which Mr. Hayt failed to correct upon coming in. If upon his coming into the office he had laid right hold of this matter, he could have undoubtedly fed the Utes.

Q. You think too much leniency has been shown the contractors?—

A. No; they were pursuing the contractor and sending him to the penitentiary, but at the same time they were letting the Utes starve.

Q. Was Agent Meeker a Colorado man?—A. Yes, sir; he lived at Greeley, in Colorado.

Q. A man acquainted with Indian character?—A. He was not. Agent Meeker had been raised in the city of New York mostly; he was a journalist, and had been for many years a contributor to the New York Tribune over the initials N. C. M. He went to Colorado to found the town of Greeley, under the direction of Horace Greeley, and he did found a village there, which has grown to be an excellent one. That was his forte; he could take a community of that sort and do good service, but he was eminently unfitted, in my opinion, to be an Indian agent. A gentleman of very high character and of great intelligence of a certain sort—what you would call a real good man—was Agent Meeker, but not acquainted with the Indian character. It was a very unfortunate nomination, in my opinion.

Q. Do you know why the \$25,000 a year was withheld?—A. I have asked that question a great many times, and I went with the Secretary of the Interior once to the President and we had a long discussion about it. The only reason they ever gave was the fear that the Indians would buy arms and ammunition with the money.

Q. I understand you to say that the Utes were opposed to moving to the Indian Territory?—A. Yes, sir. They were opposed to going away from Colorado; not specially opposed to the Indian Territory, but opposed to going anywhere. They want to stay in their own country.

Q. This last commission, by what authority was it appointed?—A. It was appointed under an act of Congress which provided that a commission should be appointed to treat for the consolidation of all the Utes on or near White River. I think that is about the language of the law.

Q. A special act for that purpose?—A. Yes, sir.

By Mr. AINSLEE:

Q. Do you know what reason, if any, was given by the Indian Department, after their attention was called to the fact, for the failure to supply the Utes with their provisions which were lying at Rawlins?—A. There were certain excuses given; their not having authority to act in the premises or make new contracts, or pay the freight charges, or something of that sort.

By Mr. DEERING:

Q. Do you understand that there has been among the Utes a growing feeling of dissatisfaction for a term of months and years prior to this outbreak which seemed likely to culminate in an outbreak?—A. I think there has been a growing dissatisfaction among the Utes ever since the Brunot compact, when it was discovered by them, as they say, that the agreement included so much more of their land than they intended to cede, and that according to their statement the signatures to the compact were not really obtained properly, but were written down by somebody. It is a fact that Mr. Brunot left the council without procuring those signatures and that runners were sent out among all the tribes to procure them. How honestly that was done, of course we have no means of knowing, but the fact that this larger section of land than the Indians intended to cede was included in the agreement was one cause of dissatisfaction. I have here a diagram which was made for me by Ouray himself, and which shows the position of these lands according to his understanding. He indicates here a mountain, which he called, I think, Lone Coon, and which was to be the limit of the ceded lands,

and he says that by the agreement the line was put down here [indicating on the diagram] so as to place whites on each side of the Southern Utes. I do not think there has been any real solid contentment among the Utes since that time. A careful examination of all the reports of the agencies will show you, however, that there has been as much contentment, if not more, than anywhere else at the White River Agency, and more progress in agriculture and in schools during the four years of Agent Danforth's administration.

Q. You think that in connection with that treaty the Indians felt that they had been overreached or deceived?—A. Yes, sir; and they thought the attempt to overreach them began in this Hatch-McFarland treaty, and to obtain still more of their lands before paying them the money that we actually owed them was another instance of our disposition to do them injustice.

By Mr. AINSLEE:

Q. I understand you to say that the Indians, or some of them, claimed that they never signed the Brunot treaty at all; that the signatures were written by parties not authorized.—A. Yes, sir.

By Mr. ERRETT:

Q. Have you been on this White River Reservation?—A. I have not.

Q. Then you don't know anything about the value of the lands as agricultural lands or for other purposes?—A. I take it that what is called Powell's Valley, on the White River, has a good deal of good arable land. A gentleman who has traveled very carefully all through that region, Lieutenant McCauley, has been a visitor at my house during the last summer, and from him I have learned a great deal in regard to the nature of the country. I got the impression myself in 1878 that had that commission gone to work at what Congress intended them to do, and had their instructions from the Indian Department been in conformity to the requirements of that law, somewhere between the present agency on the White River and the Uintah Valley Reservation in Utah we might have found a place where all the Utes could have been concentrated. In that, however, I might have been mistaken.

Q. I think General Adams expressed the opinion the other day that the White River Valley is not suited for agriculture, while the Grand River Valley is.—A. Well, that is in the same general region.

By the CHAIRMAN:

Q. I understand that there has been no complaint since 1878. Do you know what time in 1878 there were complaints about the failure to get these supplies?—A. I don't think that any complaints have reached my ears since the autumn of 1878 or the springtime of 1879. I could give you from my Colorado correspondence the exact dates.

Q. So far as you know, then, the present Commissioner has corrected that failure from that time on?—A. Yes, sir.

Q. But he had not corrected it up to that time?—A. No, sir. I think that the present Commissioner, after he became fully aware of the situation, after he got fairly in his seat, did the best he could. It was unfortunate for the whole Indian service that Commissioner Hayt could not have devoted his entire time to his duties here. He tells me, and so does the Secretary tell me, that it was understood that he should have as large a portion of his time for his own private affairs as a proper closing of them up might require, and therefore he was unable to be here to attend to these important duties. I have no doubt in my own mind that had this administration, when it came into office in the spring of

1877, fully comprehended the exact condition of things among the Utes and the other tribes, we would have been saved a world of trouble. We never should have had the Ponca infamy on our hands; neither do I believe that we should have had the Ute trouble. If the Indian Office had been administered with intelligence and vigor from the very beginning of the present administration, these difficulties might have been avoided. The Secretary himself admits, as you will see in the public prints, that he knew nothing about Indian Affairs—he says he knew as little as most of the people do who are now writing about them—and he took occasion to institute an investigation which occupied several months. In the first months of his administration the Poncas were removed, a transaction which the Secretary would never have permitted had he known all the circumstances.

Q. Do I understand you to say that the instructions of the McFarland-Hatch commission departed from the law?—A. The law contemplated the consolidation of the Utes on or near White River.

Q. And the instructions to the commission were to transfer them to the Indian Territory?—A. As I understand the instructions, that was their general tenor—to see if the Utes could not be persuaded to go over to the Indian Territory. Then, too, General Pope had still another scheme which he submitted to the commission, to put the Indians on the Charming River. I do not think that there was anything done towards complying with the law of Congress, at least not while I was with the commission.

By Mr. HASKELL:

Q. Do you know the date at which the failure to forward supplies from Fort Rawlins became conspicuous?—A. Mr. Haskell understands, does he not, that the goods at Rawlins purchased in the autumn of 1876 are reported by the agent himself in 1877 to have then lain in the warehouse nine months. The agent tells me that he was constantly writing about them and I have heard an extract from his report.

Q. I simply want to know about what length of time they were held there.—A. They had been there nine months at that time, and they lay there during the autumn and winter of 1877, and it was in the spring of 1878 when the Indians went over to Rawlins to see about them themselves.

Q. The present Commissioner came into office in May, 1877, I believe.—A. Yes.

Q. And at that time these goods lay there undelivered?—A. Yes, sir; and they had been there for nine months.

Q. How long after the present Commissioner came in do you understand that those goods lay there?—A. I should think about eight months.

Q. Do you know whether or not any supplies, food or clothing, were issued to the Utes from Fort Rawlins during that fall and winter from September, 1877, until the spring of 1878?—A. No, I do not.

Q. You cannot say whether any supplies were issued from Fort Rawlins during the period marked by the incoming of the present administration of the Indian Office and the spring of 1878.—A. My understanding is that there were not any.

Q. No supplies, no food, and no clothing?—A. I do not know as to clothing. It is food that I am speaking of.

Q. Do you know whether in December, 1877, and January, 1878, there were any telegrams sent to the Indian Office from the agency and from Fort Rawlins calling attention to the fact that there were no supplies

issued and that the Indians were in great need?—A. Only from the statement of Agent Danforth, who said that he was constantly writing and telegraphing on the subject.

Q. Did not Agent Danforth also state that the Indian Office telegraphed and wrote and ordered supplies between the date of the incoming of the present Commissioner and the 1st of April, 1878?—A. He didn't say so to me.

Q. And your understanding is that no food, flour, coffee, beans, or anything of that kind was purchased by the Indian Office and forwarded during those months?—A. I have no knowledge that there was any.

Q. Your understanding is that none was sent?—A. I have no knowledge that any was sent.

Q. Do you know whether the Indians were upon their reservation during the winter from the time of the incoming of the present administration up to April 1, 1878?—A. My understanding is that they were off the reservation, and that during that time they went themselves to Rawlins after supplies.

Q. Do you remember whether it was in December or January, or later?—A. I think it was later; in the spring-time.

Q. Not until spring?—A. I don't think they did until spring-time, but all these facts can be ascertained from the records.

Q. So much for the supplies at Rawlins; and you attribute the outbreak of the Utes and their going upon the war-path very largely to this alleged failure to deliver those supplies to them from Fort Rawlins during the period marked, say, by the 1st of October, 1877, and 1st of April, 1878? You think that was one cause of grievance?—A. I think that is one of the causes.

Q. And, in your judgment, the Indian Office was derelict in its duty during those months?—A. I think it was derelict. I think it had been very derelict in its duty right through from the autumn of 1876. I think that Commissioner Smith's dereliction was very great indeed in that respect.

Q. That McFarland agreement was for the cession or purchase of some lands, marked upon this large map here, by that changed boundary? [Referring to the map.]—A. Yes, sir.

Q. And you think that the stipulations of that treaty were one of the causes which produced the outbreak?—A. I do.

Q. Those lands down there were the especial property of the Southern Utes, were they not?—A. Those Indians are called Southern Utes, but they owned everything in common.

Q. You understand, do you not, that there are three tribes more or less distinct?—A. I would call them rather three bands; they are all one tribe.

Q. The Southern Utes were the special proprietors and occupants of the reservation?—A. They happened to occupy that portion of the lands. There are three bands—Ouray's, Johnson's, and Douglas's—Ouray being the chief of all of the tribes.

Q. But that particular land traded for was the special home of the Southern Utes, the Uncompahgres; nor was there ever any outbreak by the Southern Utes?—A. No real outbreak; there was trouble at both the Southern Ute Agency and the Los Pinos Agency, but no such trouble as you refer to in your question.

Q. The Southern Utes killed nobody and committed no outrages, did they?—A. I think not.

Q. And yet they were immediately associated with the McFarland treaty by reason of their location?—A. The McFarland treaty was made, I think, chiefly at Los Pinos.

Q. But it related to lands occupied principally by the Southern Utes?
—A. Yes, sir.

Q. The outbreak was by the northern band of White River Utes?
A. Yes, sir.

Q. They commenced the commission of depredations?—A. What depredations did they commit?

Q. In the fight that has occurred between the Indians and soldiers, it was the White River Utes that were engaged?—A. Yes.

Q. Then it would be fair to assume that there was some cause of grievance for the White River Utes to complain of in order to send them on to the war-path?—A. Yes.

Q. And do you think that the stipulations of the McFarland treaty, in regard to the southern country, was the main cause of the outbreak of the Northern Utes?—A. No, sir; I have already stated in my testimony at length the different causes, as I view them, going back as far as the misunderstanding of the Brunot treaty in 1873, taking all the causes and aggregating them all. I have mentioned that as one of the causes, and I have mentioned the appointment of Agent Meeker as a most unfortunate thing, and one which had a great deal to do with bringing about the trouble.

Q. You think Agent Meeker was a good man though not acquainted with Indian character?—A. I do.

Q. The disturbance seems to have been about the White River Agency and it was at that agency that these strenuous attempts were made by Agent Meeker to civilize those Indians, was it not?—A. Yes.

Q. And the Indians did not take kindly to agriculture and the arts of civilization. There was a conflict between the Indians and the agency employes, in reference to the plowing of the land and the cultivating of the soil?—A. I so understand. It is the fact, however, that at another agency, under another agent, the Indians had been taking kindly to just that sort of work; not to any very great extent, it is true, but still making a constant progress.

Q. They had done better in that respect under the preceding agent than under Agent Meeker?—A. Altogether.

Q. There had been, I believe, sufficient friction between the agent and the agency employes on the one side, and the Indians on the other, in regard to this question of agriculture, to give rise to unpleasant words and perhaps blows; there had been more or less quarreling, had there not?—A. That I do not know. I suppose there had been differences, but I don't know.

Q. State whether or not, in your opinion, one cause of the outbreak by the White River Utes was not in general terms the disinclination of the Indians to adopt these agricultural pursuits, and the attempts on the part of the agent and his employes to civilize them, or to induce them to engage in those pursuits?—A. I haven't any doubt but that the unwise efforts adopted by Agent Meeker really made by his efforts in that direction were not only fruitless but caused irritation.

Q. It was Agent Meeker who feared for his life and sent for the troops, was it not?—A. I think it was.

Q. That was probably occasioned by personal differences between him and his employes and the White River band?—A. Yes, I suppose so.

Q. Do you know any other reason save the ill-advised administration of the affairs of that agency which would lead the Indians to have such hostility towards the agent? Could it have been the treaty stipulations, which have been mentioned here, that made the unpleasant feeling between Agent Meeker and the Indians there?—A. I think that the

aggregation of all these irritations which had been going on for six or seven years, culminated in this awful misunderstanding between the Indians and Mr. Meeker. They had reached a point where they were ready for trouble, and I think that in spite of all these other irritations in regard to the treaty and the other matters that I have mentioned, with a proper man at that agency, the bloody massacre would have been avoided.

Q. Do you know whether or not two or three or more Indians left the reservation and set fire to some grass and timber?—A. No, sir; I could scarcely have any knowledge of that.

Q. Do you know whether or not Governor Pitkin sent a sheriff and posse up there to arrest the Indians who were charged with that offense?—A. I do not.

WASHINGTON, *January 22, 1880.*

E. A. HAYT'S examination resumed.

The WITNESS. Mr. Chairman, in addition to my testimony already given, there are three statements that I wish to reply to here. One is, that a recommendation made in my annual report for the year 1877, to move the Indians in Arizona, New Mexico, and Colorado to the Indian Territory, was by some means disseminated among the Indians; and that their knowledge of that recommendation was one cause of the outbreak of the White River Utes. I fail to see that any evidence has been given that a single copy of that report ever found its way to the White River Ute Reservation, and I fail to see that the Indians acquired any knowledge whatever of that paragraph in the report. Even if they did, however, the recommendation was general, embracing three Territories, and I hardly think that by any fair construction of the language it could be made offensive to the White River Utes. The next point to which I wish to reply is the statement that the exchange agreed upon by the commission and the Indians of 1,800,000 acres of land for a smaller reservation of 700,000 acres, operated to irritate the White River Utes. I think it was shown conclusively in the letter I read last Monday that it did not convey any of the lands of the White River Utes, not a foot of them; and therefore that, apparently, could not have irritated those Indians.

Another statement is, that the accumulation of the annuity in the Treasury was a cause of dissatisfaction to the White River Utes—I say to the White River Utes, because we must confine our attention to those particular Indians, and not take in the whole Ute nation. The White River Utes are the only ones that have been on the war-path. The Los Pinos or Uncompahgre Utes have been peaceful, have acted as mediators, and have done everything in their power to allay hostility, and the Southern Utes have also been entirely peaceful.

By the CHAIRMAN :

Q. Do not those Indians hold all that land in common?—A. They have a common title, but there is a virtual division between the three branches of the tribe: the northern part is considered as belonging to the White River Utes; the central part to the Los Pinos or Uncompahgres; and the southern part to the Southern Utes. It is as if several heirs make a partition among themselves of their property into three divisions; they have a common title and they all have to convey in order

to give title, but two of them may be interested in the property conveyed, and the third may not, and that is the case here. The White River Utes have not claimed any share of that annuity; on the contrary, they have said that it does not belong to them. In the payment of the annuity a very small sum has been set apart for the White River Utes, but even that was not paid them, as I shall show you before I get through.

By Mr. HASKELL:

Q. What annuity is that?—A. This \$25,000 a year, payable under the Brunot treaty.

Q. You say that the White River Utes were not entitled to any portion of that under the treaty?—A. No, sir; they are not; and they do not claim it either. Their land was not conveyed. I will refer the committee to a letter dated December 16, 1879, and addressed to the Secretary of the Interior by me for transmission to Congress, in reply to a resolution of the United States Senate calling for certain information. (The witness read the letter.)

By the CHAIRMAN:

Q. When was that letter sent to the Senate?—A. December 16, 1879. This was written before there was any criticism of this kind; in fact, I never heard, until last Saturday, the criticism in the form in which it has been presented to this committee. It was an entirely new view of the matter; new to me, at least.

Q. Do I understand now, according to that statement, that all the moneys due under the Brunot treaty, had been paid to the Indians?—A. Except about \$65,000. Since I came into office the payments have been made, I understand. When I came into the office, there was from seventy-five to eighty thousand dollars due them, and now there is only \$65,000, showing that the current payments have been made since I came in.

Q. What is your reason for not paying that \$65,000?—A. The reason is, first, that we do not wish to make cash payments to any wild Indians, but prefer to furnish them with stock and farming utensils, and it is reserved for that purpose.

Mr. HASKELL. I understand that article 3d of the treaty requires that the Indians shall be taught agriculture.

Mr. GUNTER. I understand that it was merely optional with the department whether the payment should be made in cash or in supplies of this kind, but that it had become customary to make the payments in this way rather than in cash.

The WITNESS. Yes, but as I have already said, we do not make any payments in cash to wild Indians, as a rule. The object is to prevent them from expending their money for arms, ammunition, and whisky, which they certainly will do if they have the money. The government has furnished these Indians, as I have shown you, about \$70,000 on an average for a good many years past, for their support in addition to this \$25,000 annually.

Mr. HASKELL. And article 3d of the treaty provides that they shall be instructed in agricultural arts, and shall be employed on the reservation for that purpose, so that something had to be kept back in order to carry out that provision.

The CHAIRMAN. Do you understand that article to control this money?

The WITNESS. I do not understand it precisely as Mr. Haskell does

I refer again to what I wrote in my letter on that point, and to the statute.

By the CHAIRMAN:

Q. Is there anything in the treaty which forbids or enjoins the payment of that money in cash to the Indians?—A. No, sir. It is left entirely discretionary with the department. If the treaty had enjoined that payments should be made in cash, they would have been made so; there is no question about that.

Q. I understood you to say that the White River Utes are not entitled to any part of that annuity?—A. They are not.

Q. Have they received any part of it?—A. They have never received a cent of it, so far as I know.

Q. Neither in cash nor in implements?—A. I cannot say that; they may have received some agricultural implements out of that fund, but if they did it was improperly expended.

Q. How did you learn that this \$1,500 that you have mentioned was sent for that purpose? How was the mistake made?—A. That I cannot explain without knowing why it was called for. It was placed to the credit of Mr. Meeker on the 15th of September, 1879. You understand, of course, that there was very little inquiry in regard to the question whether this annuity belonged in part to the White River Utes as well as to the others, until we came to inquire into the causes of this outbreak, and then we found that they really had no equitable right to any part of the money.

By Mr. GUNTER:

Q. They had forfeited it by non-compliance with the condition?—A. No, sir, not that; but the Uncompahgres and Southern Utes had sold a part of their lands under the Brunot treaty, and the money payable under the treaty belonged to those two tribes, and not to the White River Utes.

Mr. WADDILL. Who have sold none.

The WITNESS. Who have sold none—they have all their lands.

By the CHAIRMAN:

Q. Then this \$1,500 was not reserved because it was thought that the White River Utes were not entitled to it?—A. I do not know. I found it on the book this morning. I will look into the matter and explain it hereafter. The committee will please bear in mind that that was sent from Washington on the 1st of September, and those Utes were on the war-path on the 29th of the same month, so that probably there was very little time in which to have expended that money. It frequently happens, however, that moneys are paid out in that way the matter being readjusted afterwards. For instance, we charge that amount to the White River Utes, and hold the money back out of their appropriation. That would be the way to cure the matter on the books of our office.

By Mr. WADDILL:

Q. Under the treaty it was provided that this \$25,000 per annum should be either paid to the Indians or invested by the government beneficially for their interest.—A. Yes, in bonds.

Q. The treaty does not say in bonds, but it says that it shall be invested. Now do I understand you that all the moneys due those Indians since you came into office have been paid them—this \$25,000 a year?—A. Yes, and more, too.

Q. And the \$65,000 now unpaid is a balance left over since Commissioner Smith's administration?—A. From the previous administra-

tion. I can account for it, because I understand that there was \$75,000 or \$80,000 due to those Indians under that provision when I came into the office, and now there is about \$65,000; which shows conclusively that they have been paid what they have been entitled to since I came into the office.

Q. Where is that \$65,000?—A. In the United States Treasury.

Q. Is it subject to your order to pay them?—A. It can be paid. The probability is that if there had been no outbreak some money, or its equivalent would have been paid them on or about the 1st of October, but that was about the time of the outbreak, and therefore there has been no payment this current year.

Q. With whom is the payment discretionary?—A. With the President.

Q. Can you pay the money without his order?—A. Certainly not. I make a recommendation to the Secretary of the Interior, and he acts for the President in the matter.

By the CHAIRMAN:

Q. Why have you not used that \$65,000 for those Indians in the last two years?

The WITNESS. Excuse me, but do you think it would be discreet to pour out all that money at once among the Utes?

The CHAIRMAN. I do not know; I am asking you.

The WITNESS. Well, I have given my reasons in full in this letter to the Senate committee. It was thought unadvisable to pay any more, because we have already spent \$75,000 a year for those Indians in addition to the \$25,000.

By Mr. DEERING:

Q. Do I understand that you have spent more than is required by the treaty?—A. Yes, sir.

By Mr. WADDILL:

Q. But that \$65,000 is theirs, is it not?—A. Yes; undoubtedly, it is theirs.

Q. And it was provided that each year it should be paid to them, or invested for their benefit?—A. Yes.

Q. Well, is it invested?—A. No, sir, it is not; but that is also a matter of discretion. If we had not in view the object of settling these Indians the money would be invested at once, but as we want to settle them in some place and give them the benefit of this money, we have thought it advisable to leave it as it is at present.

By the CHAIRMAN:

Q. Have the Indians, to your knowledge, complained that they have not received the money to which they were entitled, this \$65,000?—A. They have made no such complaint.

Q. Have any of them complained?—A. When the commission of which General Hatch was a member went down to make a treaty with them, they did complain that the annuity had not been paid, and the payment was made for last year; and this year another payment would have followed provided things had remained peaceful. I do not think it would have been paid in money, but in agricultural implements and houses. Still, there is no use in building houses while we are constantly expecting to have the Indians removed; it would be so much money wasted. The money in the Treasury to their credit is in as good a place as it can be.

The CHAIRMAN. Except that if it were invested and bearing interest it would be better.

The WITNESS. Yes; but that might raise another question.

Mr. HASKELL. If the sum of money belonging to certain Indians is left in the Treasury of the United States under a provision of law that it shall be invested at a certain rate of interest, doesn't that money draw interest, whether it is actually converted into bonds or not? Is not that the law of the United States, and does it not control all these Indian funds, so that, if the money remains in the hands of the government, the government pays interest?

The WITNESS. I think it requires actual investment in order to draw interest. But you will notice this fact: our bonds are at a premium, and if the money had been invested a year ago in bonds, and we had to use it for the Indians, we would have only 95 cents on the dollar of the amount saved; so that investment would not be an object if the money was to be used soon.

Mr. WADDILL. But could you not sell the bonds back again if you wanted to use the money?

The WITNESS. We find that every time we buy bonds and every time we sell them, we have to pay for it; there is a loss in the transaction.

By Mr. GUNTER:

Q. Have you found it profitable for the government to invest money in buildings and farming utensils for the Indians? Have they utilized them when you have furnished them; I mean these White River Indians?—A. Agent Meeker spent a good deal of money in constructing a ditch and furnishing agricultural implements. Heremoved the agency fifteen miles farther south to a lower altitude and a milder climate. I am told that sometimes at the old White River Agency they had frost every month in the year, so that there was no encouragement to plant or sow, because they might fail to reap; but Mr. Meeker had put up a large number of buildings for the benefit of the Indians, and had dug an irrigating ditch, and the Indians had worked very well at that, and his plan was to get nearly 1,000 acres under cultivation for the Indians. If he had succeeded in that it would have contributed very largely to their support and civilization, and it was possible, where the present White River Agency is situated, to settle them and set them to work in that way.

Q. I had an idea that money expended in that way, in building houses and furnishing farming utensils, would be thrown away, because the Indians would not use either.—A. We find that the Indians generally do. There are Indians to whom we give cows, who, if they are very hungry, will kill their cows; but that is rare.

By Mr. AINSLEE:

Q. I think I understood you to say that the White River Utes had stated that this annuity of \$25,000 did not belong to them?—A. Yes, sir.

Q. How was that statement made? What evidence is there of it?—

A. It is among the correspondence in the office.

Q. Correspondence received from the agent?—A. From the agent.

Q. That the White River Utes disclaim having any interest in this \$25,000 annuity?—A. Yes, sir; that they said it did not belong to them.

Q. That is in the report of the agent, you say?—A. Well, that is the information in the office. Just where to find it I cannot tell you, but I will find it and give it to you.

Q. Nevertheless, they have received payments on this annuity, leaving a balance of \$65,000 still due?—A. No; I do not believe the White River Utes have received anything. There was \$1,500 sent them as I

have said, last September, but that has not been paid to them and it will be covered into the Treasury.

Q. In the letter which you have read, the department took the ground that they had better not pay over any of these moneys, in view of the possible contingency of the Indians being removed to another reservation?—A. Yes, sir.

Q. Is that the policy of the department to withhold payments on the supposition that the Indians are to be removed at some future period?—A. Wherever there is a discretion allowed that is the policy; where the law is mandatory the money is paid.

Q. And that is the ground taken in regard to these White River Utes, that there should be no payment because of the prospect of their being removed?—A. There was none due them at any rate. Their lands were not conveyed at all. This \$65,000 is to the credit of the whole nation, but the White River Utes do not participate in it because they did not part with their lands, as I have already explained.

Q. Then, also, where there is a supposition that the Indians are disposed to buy arms with their money, no payments will be made to them?—A. None in cash. Peaceful Indians, engaged in agricultural pursuits, we pay in cash; that is, we give them cash annuities.

Q. On what does the department decide in those cases—the reports of the agents, or outside information? I mean in regard to the Indians buying arms and ammunition.—A. In respect to the Los Pinos, and in fact all the Utes of Colorado, I would say that we have regarded them, and I think very properly, as the most warlike among all our Indians, and the White River Utes are the least civilized part of the nation. The Los Pinos and the Southern Utes are in advance of them. The White River Utes have been roaming about a great deal. Then, too, they have got plenty of money in this way: In July last they went into North Park, set fire to the woods, hunted and killed game a great deal more than they could use—killed them for the peltries and sold those peltries to buy arms and ammunition and whisky outside of the reservation. They have been roaming ever since I have known anything about them, and, I think, for many years before. If they were settled down to agriculture, the policy pursued with them would be quite different.

By the CHAIRMAN:

Q. You have a report from a gentleman named Jerome, the agent of the board of Indian commissioners, who went down for the purpose of inspecting those Indians; do you know what that report stated?—A. I do not; I never saw it. The reports made to the board of Indian commissioners do not come to the Indian Office, unless sent there specially.

By Mr. DEERING:

Q. You have stated that these Utes could hardly have thought that they were specially referred to in the recommendation in your report regarding the removal of certain Indians to the Indian Territory, because it related to three territories; what did you mean by that?—A. I said that the recommendation related to the Indians residing in the Territories of Arizona and New Mexico, and the State of Colorado; that the proposition was to remove them to the Indian Territory.

By the CHAIRMAN:

Q. It has been stated here that the Indians complain that the government, through its officials, desires to drive them out of Colorado, and

it has been intimated further that you had some personal interest to subserve in that business; is there any truth in that statement?—A. So far as my having any personal interest in the State of Colorado, the fact is that I haven't a dime's interest there, directly or indirectly; I do not own any mining property there, or anything under the sun in Colorado.

Q. You are not engaged in any speculation there?—A. I am not engaged in any speculation there and never have been. I have never invested a penny in a mine in Colorado, although a good many have to their sorrow. I would say further that my attention was called early to the peculiar position of these Indians in Colorado. As I have already explained, there is a labyrinth of 600 square miles there, in which the Indians are perfectly at home, and I believe that a war with the Utes, if one should break out, would outlast the Seminole war in time, and exceed it in cost. I believe that if the whole body of the Utes went on the war-path it would take an immense sum to overpower and capture them—enough to support the whole of the Indian tribes for five years, if not more. They could call upon the Navajoes, a band of 11,000 Indians affiliated with the Utes, and able to furnish 1,500 or 2,000 warriors. Our troops are not acquainted with the country, and they would be at the mercy of the Indians at every point. As you saw, about 125 men of the White River Utes put on the defensive 190 men under Thornburg. The Indian Jack counted Thornburgh's troops as they crossed Bear River, and they told one of the employés of the agency that there were 190 troops, and that they were coming to the agency.

Q. Do you think it wise to take those Indians from Colorado to the Indian Territory?—A. There is a very wide difference of opinion in regard to that. The reason that I have favored it is this: The Indian Territory has enough fertile land to enable those Indians to settle down comfortably. It has a superabundance of fertile land. Again, the country is not broken, ridged, and labyrinthine like this region in Colorado; it is a country where the Army could use artillery; and wherever our troops can use artillery the Indians know very well that it is useless for them to go upon the war-path, so that, as a defensive measure, I think it would be wise to take them out of their fastnesses and put them where they will be less formidable, and where they can be supported by agriculture. If you were to remove them to the Uintah Agency in Utah, it would cost nearly ten cents a pound to get in their supplies, and you would feed them there at an enormous expense. There is no other point where they can be fed so cheaply as in the Indian Territory, except perhaps on this little reservation of 700,000 acres indicated on the map. I think they could be fed there more cheaply than at any other point inside of Colorado. I think, then, that if we wish to avoid expensive wars and to save the lives of our soldiers, it is very desirable to put these Indians out of their fastnesses in Colorado. Then, too, as I have explained elsewhere, there is a large mining population pouring rapidly into Colorado, which must necessarily be supported largely out of the soil of that State. Now, there is very little arable land in Colorado. In all those 12,000,000 of acres there is very little arable land. I doubt whether there is 10 per cent., taking the whole extent of the country, and that land is needed for the support of the white population. Of course, I would not take these Indians to the Indian Territory unless the government first paid them every dime that was due them.

Q. But looking to the interest of the Indians themselves, do you think that our experience with the Poncas and Nez Percés would teach us

that that would be good policy?—A. I would not take the White River Utes, but I would take the Los Pinos and the Southern Utes, who belong to a warmer region. The difference between their territory and the Indian country is not very great. Possibly they would lose some lives, but as soon as they became acclimated they would be better there. That would require two years, and after that they would be healthy. Now, the Poncas and the Pawnees, after they have become acclimated in the Indian Territory, can live there as well as in Nebraska. I certainly do not favor sending any strictly Northern Indians to that Territory, and my recommendation in regard to the removal of these Indians has been very mildly put, and in a very general way. My report of this year recommends their settlement in the Indian Territory or elsewhere. I am not wedded to any particular theory of that kind; I want to do the best for the Indians and the best for the people of the United States.

By Mr. WADDILL:

Q. Speaking of the policy of moving these wild Indians into the Indian Territory, what effect do you think the filling up of that country with wild Indians will have on the States bordering on that Territory—Texas, Arkansas, Kansas, and Missouri?—A. That was the policy ten years ago, when the Territory was set apart. My impression is that if you put the Indians there and establish military posts on the border, the white people will be safer than they are to-day, because you can establish your line of strong posts and the Indians will be in a sense corraled, and the white people will be safer for that reason.

By Mr. GUNTER:

Q. Don't you think it will tend to demoralize the partly civilized tribes already there?—A. No; I do not think so. I think the Indians will civilize faster without contact with the white people than with it. We find that to be the case among the Sioux. We have got them isolated in Dakota now, and they have made immense strides in the last eighteen months. I have a letter from a chief which is of great interest. He alludes to the fact that they are engaged in trading and freighting; he says that the Indian agent went to Fort Robinson to get \$10,000 in money to pay the Indians for their labor in freighting, and that the Indian police furnished him an escort to the fort and back again; and in that way he went in perfect safety through a country which has been within a short time filled with outlaws of the worst character. This chief expressed the greatest surprise at the transformation in his people; he can hardly realize that those wild Indians are now engaged in peaceful pursuits and have no troops near them. Neither of those reservations has any troops near it. The Rosebud is 147 miles distant from the nearest military post, Fort Randall, and the Pineroot Reservation is 65 miles distant, yet we have had perfect order there.

By Mr. POEHLER:

Q. Would the Utes consent to be removed to the Indian Territory, do you think?—A. I am glad you have raised that question, for I would not remove them without their consent fairly obtained; and every recommendation I have ever made in regard to the removal of Indians is based upon the idea that their consent must be fairly and squarely obtained, unless they have been on the war-path and have forfeited their treaty rights; such Indians might properly be placed at the discretion of the government.

Q. If they did not consent, however, it would be very difficult to

remove them, as they inhabit these labyrinthine fastnesses which you describe?—A. Well, I think it is worth a trial, if you determine to keep the Indian Territory for the Indians, but if it is determined not to put any more Indians into that Territory, then, of course, the idea must be abandoned.

By Mr. WELLBORN:

Q. Referring to the matter suggested by Mr. Waddill, if those Utes were located in the Indian Territory, would not they raid into the adjoining States and harass the people, unless they were, as you express it, corraled there by a military force sufficient for that purpose?—A. We can judge of what they will do from what has been done in the last few years. There is only one band that has raided through Kansas within the last few years from the Indian Territory, and I think the danger would be very much diminished if we had more Indians gathered together there and larger military forces along the border. If you concentrate the Indians you can concentrate the military, but if you scatter the Indians you have to scatter and divide your military, so that it takes a long time to bring together even a force of 100.

Q. Don't you think that the presence of a military force in the Territory would be necessary to protect the more civilized tribes from the aggressions of the wilder Indians?—A. No, sir. The semi-civilized tribes have never been attacked by the wild Indians. They live in perfect harmony. They had a fair at Muskego last September and there were delegates in attendance from the wild tribes; and they were welcomed there very cordially, and everything was harmonious.

Mr. HASKELL. I wish to call the attention of the Commissioner to the fact that the law setting apart the Indian Territory does not admit of the location of wild tribes there.

Mr. ERRETT. The Choctaws' part of it was given them in fee simple. Surely the government is not going to take away a fee simple.

Mr. HASKELL. My proposition is that that Territory was set apart for peaceful Indians, and that you cannot locate wild Indians there under the present law.

The WITNESS. I wish to say that I am by no means wedded to the idea of putting these Indians into the Indian Territory. I simply think that if that is the policy of Congress, of course it must be carried out, but if it is not, and from the action taken at the last session it seems not to be, then, of course, no Indians from New Mexico, or Arizona, or Colorado can be sent there.

WASHINGTON, *January 22, 1880.*

S. A. CHERRY sworn and examined.

By the CHAIRMAN:

Question. Please state what position you occupy in the Army and where you are stationed.—Answer. I am second lieutenant in the Fifth Cavalry, stationed at Fort D. A. Russell.

Q. This committee is charged with the investigation of the late Ute outbreak. If you have any information upon that subject we will be glad to have you state it, and also your opportunities for getting such information.—A. As to the causes of the outbreak I have no information to give.

Q. Do you know anything about the fight between the soldiers and the Indians? If so, please state how it commenced; what part you

took in it, if any, and all you know in regard to it.—A. I left Fort D. A. Russell, my station, on the 20th of September, 1879, and joined Major Thornburgh's command at Fort Steele. I was appointed adjutant of the command by Major Thornburgh, and my duties were such that I had every opportunity of knowing what his orders were. I also wrote the letters to Mr. Meeker, and made copies of all letters received from him. When we arrived at Bear River we met the first delegation of Indians from the agency, Jack and about ten others. That was about fifty miles from the agency. Jack's purpose in coming there, I presume, was to ascertain the number of troops, and our object in going to the agency. I form that opinion from what occurred. I was sent to Peck's ranch, about two miles below our camp, to find out when the mail was to go back, and when I got within about 500 yards of the ranch I met two Indians coming into the timber. Mr. Rankin was with me. When the Indians first saw us they dropped down as if they were surprised at seeing us, and acted as if they had been sent to spy out our numbers and our movements. One of the Indians started back to the ranch; the other one went with us. When we neared the ranch we saw a number of Indians peering out from behind the cabin. Mr. Rankin went in to see about the mail, and Jack and these other Indians gathered about me. Jack wanted to know what the troops were coming for and what was the matter. His language was, "What troops come for? What matter?" I told him that we had heard that Mr. Meeker had not been treating them just right, or something of that kind, and that we were come down to see what the trouble was, and I asked him to come back to our camp and see the big chief, meaning Major Thornburgh. He said he would see; so he had a talk with the other Indians, and he agreed to go with us to the camp.

Q. Was there any evidence of hostility on the part of the Indians at that time?—A. No, sir; not at that time. Jack, with the other Indians, came up and had a talk with Major Thornburgh and all the officers at Major Thornburgh's tent. Major Thornburgh asked Jack to go with him to the agency. He told him his object in going down. I won't say that he told him his object, but he told him that his intentions were peaceable; that he was going down to see what the trouble was. Of course he did not wish to arouse the Indians' suspicions or give them to understand that we were going down to fight them; he gave them to understand that we were going down to settle the difficulties between them and Mr. Meeker. We, of course, knew at the time that Jack was there to count the troops and pick up information of that kind, and Major Thornburgh said to me after Jack went away, "If I had the power, or if I thought it expedient under the circumstances, I should take Jack and these fellows in with me; but if I should do so the whole country would be aroused and would say that I brought on the trouble. These fellows have come here to spy, and it would be a good move to take them and hold them as hostages, but if I should do it I would be blamed by everybody all over the country, and my orders are such that I have to obey the commands of Mr. Meeker, so I would not feel justified in doing it." Major Thornburgh had asked Jack to come and meet us at the ford the next morning. He sent me down with ten men to see if Jack was there, and if not, I was to go on and try to persuade him to go with us. I went down but did not find Jack. I then started for the ranch and met Jack and two other Indians. I tried to persuade him to go with us, but he said, "No, no;" that he was going to the agency; that the others had gone and he was going with these other Indians.

Q. It was to the agency that you were trying to persuade him to go, was it not?—A. Yes, sir; I was trying to persuade him to go with us to the agency, but he said no, that he would go at once—"Me go to-day." Of course it would not take him long to ride into the agency; probably he got there that night. Then at Williams Fork, an Indian named "Colorado," "Bummer Jim," Henry the interpreter, and Mr. Eskridge, one of the agency employés, came to our camp with a letter from Mr. Meeker, stating that the Indians were very much excited, and that, in his opinion, Major Thornburgh had better stop with his command at some convenient point and come in himself to the agency, as the Indians had had a big talk and had requested that Major Thornburgh should come in with five soldiers. Major Thornburgh called the officers together and held a council, and then wrote a letter to Mr. Meeker, saying that he would come in with five soldiers, but that, in the mean time, he would move on until he found some convenient camping point within striking distance of the agency. That is the language that he used.

Q. What distance were you from the agency then?—A. About thirty-five miles.

By Mr. DEERING:

Q. What was meant by "striking distance"?—A. What Major Thornburgh meant was that he would move on to a point near enough to the agency, within ten or twelve miles, to make his command available in case any trouble arose when he got to the agency.

By the CHAIRMAN:

Q. What was the character of the country where you were then, for camping purposes?—A. There was grass and timber, but not in sufficient quantity, as it had been burnt off by the Indians. Another point was that it was a very bad place to camp, surrounded by high bluffs, so that if the Indians had chosen to attack us there the whole command could have been annihilated at once. That was one of Major Thornburgh's reasons for moving on, and he had also in view this object of getting to some point within striking distance of the agency in case any trouble should occur. He sent this letter to Mr. Meeker. Copies of all these letters can be obtained from the adjutant-general of the Department of the Platte, as copies were made and sent two days before the fight. This was on the 27th. On the 28th we marched only about eleven miles. There we found sufficient water for camping purposes, springs only. It was not a good place to stop, and the next day we moved up to Milk River. There we saw fresh trails and indications of a large body of Indians, and the wagon train having arrived at Milk River they stopped to water the stock. Major Thornburgh's orders were to move on about four miles beyond that. I should have said, though, that at our camp at Deer Creek, Major Thornburgh had held another council and obtained the opinions of the officers as to how far we ought to go, and it was decided to move just through Coal Creek Cañon, which, from the information given us by our guide, we understood would be a very difficult place to get through in case of any trouble. It was decided to go to the top of the ridge on this side of the cañon on the 29th, and camp there, and then to move through the cañon at night, so as to be on the other side in the morning, which would put us within about twelve miles of the agency, where we would camp, and Major Thornburgh would take five soldiers and go in.

Q. Why did you want to move through the cañon at night?—A. Because the guide had assured us that it was a very bad cañon, with very steep and precipitous sides, so that the Indians could roll rocks down

upon us and annihilate us; for that reason we determined to make a night march. We thought that if we camped on this side the Indians would suppose that we would stay there all night, and that by making a night march we should be through the cañon in the morning, thus preventing them from obstructing our passage, even if they desired to do so. I was in command of the advance guard. I had been ordered by Major Thornburgh to take ten or twelve men and keep a half or three-quarters of a mile in advance of the command and keep on the lookout for Indians, as he expected that there might be trouble. About half or three-quarters of a mile beyond Milk River I saw three Indians disappear from the next ridge, about 500 yards in advance of my party. This at once aroused my suspicions, and I divided my men and sent part of them to the left, and then I went down on the right about 200 yards and crossed a little stream and got up on the ridge that these three Indians had disappeared behind. When I reached the top of this ridge, Major Thornburgh, with two companies of the command, had followed on this trail without any orders. It has been stated that it was done by Mr. Rankin's orders, but it was not; it was a mere fortunate circumstance; he happened to take that trail instead of taking the road, and it was providential that he did so. When I discovered the Indians on top of the second ridge, I saw them lying down with their guns in their hands across behind the ridge. I was within a hundred yards of the Indians, and I could see them lying down, occupying not more than a yard of space each; was near enough to see that they were packed as close as they could be, their line extending at least 400 yards.

Q. Then there would be about a hundred Indians there?—A. No; I think there were between 300 and 400 Indians. Their ponies I could see away off to the right. They had made their dispositions for a battle and they were lying there waiting for us to come down over this trail into the ravine within 200 yards of them, when they were prepared to open fire. On seeing their position I motioned to Major Thornburgh to move back with the two companies, which he did at once. Then I rode down the slope of this hill and told him what I had seen. Major Thornburgh sent me with orders to Captain Payne, whose company was deployed on the left, to dismount and fight on foot, keeping the horses in the rear, and not to fire a shot until he gave the order. He also gave like orders to Captain Lawson who was near him. Then he told me to take fifteen men from Lawson's company and move out by the right flank, and cross the ravine if I could, lower down, and communicate with the Indians if possible. I started out, and at the same time fifteen or twenty Indians on the other side of the ridge started out apparently to head me off. However, of course, I could not tell exactly what their purpose was at the time. When I got about 400 or 500 yards away from Lawson's company, these Indians came in sight from behind the ridge, and I took off my hat and waved it in a friendly way. I was replied to by a shot from those Indians, some of them that had come out from behind the other ridge.

Q. Did they shoot at you?—A. The shot was fired at me, I am satisfied, because it wounded a man right behind me not ten feet off, and killed his horse. I gave my men orders to dismount at once, seeing the advantage of the position that I held, and sent word to Major Thornburgh that the Indians had fired upon me and that I would hold that point until further orders. I dismounted and scattered my men along and held that position. I also sent word to Major Thornburgh that the Indians were riding round upon the flanks, trying to cut us off from the wagons. He fell back nearly opposite to my position until he gave or-

ders for Captain Payne to charge a hill to our left and rear, and to Captain Lawson to fall back with the horses, and for me to hold the point I was then holding, and keep the Indians from getting into the gullies and ravines until the other companies had fallen back, and then I was to fall back slowly. I did as I was directed, and Major Thorburgh started back to the wagons, thinking his presence was needed there, and was shot on his way back. I fell back gradually with my men.

Q. When Major Thorburgh was shot there was no fight going on, was there?—A. O, yes; the fight was going on. The two companies were in skirmish line, falling back gradually. There had been a couple of men in Captain Payne's company killed, and several others wounded, and seventeen or twenty of my company wounded, before I got back. Most of the men, however, were wounded after we had reached the wagons. We were compelled to fall back to the wagons because there was only one company with the wagon train, and it was necessary to concentrate our forces in order to make the best fight we could. I have already stated my best judgment as to the number of Indians engaged in that affair. The number of troops was less than 150, teamsters and all. There were three companies of cavalry, averaging about forty men each. The Indians set fire to the grass and sage-brush above our position soon after we reached the wagons. Of course, we at once set about getting the bundles and grain sacks out and piling them up between the wagons to make defenses; we also covered ourselves behind our horses, and half of them were shot that afternoon. The Indians got into the ravine; they were armed with improved weapons, Winchester, Sharpe, and Remington rifles, and at a range of two, three, or four hundred yards they killed our horses all but four; killed twelve men and wounded forty-three during the fight. That night, the 29th, the Indians made a charge upon us; our horses were tied together, but some of them had gotten out a little to the right, and the Indians attempted to drive those off, and, at the same time, to charge us, but we repulsed them by a heavy fire which killed a number of them. They did not bother us any more that night, but we had to drag out the dead horses and bury our dead, and care for the wounded, and dig trenches, so that we did not sleep at all that night, and by morning we felt comparatively secure. During the subsequent time all we could do was to cover ourselves as best we could. Our horses were nearly all killed, and the firing continued. Perhaps there were not so many Indians keeping up this fire as there had been at the beginning, because they only fired when they saw any of us. All we could do was to protect ourselves as well as we could under cover, and save our ammunition, not knowing whether our couriers that we had sent out would get through, nor how long we were to be kept there. We had sent out four couriers at midnight the night before. On the morning of the 2d of October, Captain Dodge arrived with his colored company. That assured us of our couriers having gone through, and we were hopeful and, indeed, confident that we should get out; all we had to do in the meantime was to take care of ourselves as well as we could and look out for our ammunition and provisions. On the morning of the 5th of October, General Merritt came to our relief with his command. I asked General Merritt's permission that morning to go with my company to the battle-field to get the bodies of two men that had been killed in Company F. He said yes, and that he would go with us, that he would like to see the battle-field. He detailed Major Babcock's company of the Fifth Cavalry to go with us, and when we came within about 300 yards of this ridge the Indians fired upon us, the bullets striking right in the center of the road,

and wounding a couple of horses. General Merritt then threw out the troops and advanced, and about that time the Indians put up their white flag. The general gave orders to stop the firing, and the flag of truce came in. It was brought in by a white man named Brady, I believe. The general said that he had no terms to offer except unconditional surrender, and this man went back. In the mean time there must have been 150 or 200 Indians within sight. After this flag of truce was shown, of course, they came out in full sight, knowing that he would not fire upon them. They came up to within 600 or 700 yards of us, and we could see them very plainly with our glasses. Then the Indians returned, and the general fell back with his whole command in order to secure a better camp, and the Indians left and went, I presume, to the agency. Three days after, the general moved to the front and we returned to Rawlins with the wounded men. I am satisfied that if General Merritt had been allowed to go ahead at the time he was there, after the women were captured, he could have taken in the whole lot of those fellows with the troops that he had.

Q. What prevented him from doing that?—A. He had orders to stop; that he was to stop, and that an investigating committee would be appointed.

Q. Was it his intention to have gone on if he had not received those orders?—A. It was. He was already moving out from the White River Agency at the time that he got this order to stop.

Q. From whom did the order come?—A. I do not know. The orders were received through the proper military authorities.

By Mr. DEERING :

Q. It seems that after the Indians had endeavored to persuade the troops to stop away back about fifty miles, Major Thornburgh, moved on, contrary, as it would seem, to the wish and the request of Mr. Meeker, saying that he wanted to get within striking distance of the agency. Now, I would like to know whether, as Thornburgh continued to move on, there was any effort made to explain to the Indians why he did so.—A. Yes, sir; but in Mr. Meeker's letter to Major Thornburgh he said, "I leave this to you; use your own judgment as to where you shall stop, but you had better stop at some point before you reach the agency;" and Major Thornburgh, in his letter to Mr. Meeker, said, "I will move on to some point within striking distance of your agency, and then I will come in according to your request."

Q. But were the Indians made to understand that?—A. Yes, sir; it was explained to them by the interpreter during this council that he held; it was explained through Henry, the interpreter, that we could not stop at that point. He said, "Better stop here." Major Thornburgh said; "There is not enough grass here for me; it is not a good place." Henry said, "Colorado says squaws and papooses are getting frightened and leaving." Major Thornburgh said, "Don't let them get frightened at all; they have nothing to fear; I am not going in with my troops; I will stop before I get to the agency." He made that clear.

Q. That is an important point, because it has been said that the Indians thought that there was bad faith on the part of Major Thornburgh in moving forward after they understood that he was not to do so, and that they took it as a declaration of war.—A. Well, it seems to me that that was sufficiently explained, and that Major Thornburgh made his purpose perfectly clear. I was present and heard what was said, and I know he tried to impress it upon Henry; and this agency employé, Mr. Eskridge, did also.

By Mr. GUNTER:

Q. At the first interview that you had with the Indians when they came out to meet you, did they meet you before you got upon their reservation?—A. Yes, sir; they met us twice before we reached their reservation.

Q. Was this fight upon the reservation; and, if so, how far?—A. It was just upon the edge of the reservation; so they had evidently come out this distance about twenty-five miles, having made up their minds that we should not go upon the reservation.

By Mr. HASKELL:

Q. Are you clear that the first shot was fired at your command by the Indians?—A. Yes, sir; I am confident of that.

By Mr. WADDILL:

Q. And fired at the time you were saluting them?—A. Yes, sir; I was on my horse, within 150 yards of those Indians that I could see, and I took off my hat and waved it in a friendly manner; not at all in an excited manner, and I was looking toward the Indians, not toward my men. The Indians, I am satisfied, understood it. I was in advance of my men some fifteen or twenty feet. I had given an order for my detachment to halt, and we did not make any violent or excited demonstration at all. The Indians claim, I believe, that the firing of the first shot was a mistake or an accident. Now, it might have been so regarded if it had been fired from the line; but it was fired from a detachment that had been sent out for some purpose, and it seems to me that whoever was in command of that detachment could have prevented it if he desired.

By the CHAIRMAN:

Q. Do you say that the Indians claim that it was a mistake?—A. I will not venture that statement of my own knowledge, but I have seen it stated in the papers that General Adams says so.

By Mr. WADDILL:

Q. And yet that shot wounded a man and killed a horse?—A. Yes, sir; and I think it must have been aimed at somebody.

By the CHAIRMAN:

Q. You are satisfied that there was no mistake; that the shot was fired intentionally?—A. I am satisfied that it was fired intentionally. I am satisfied of it especially from the disposition that the Indians were making, lying down behind that hill. If they had wanted to hold a parley they would not have done that; they would have sent a small party ahead with a flag. The Utes understand how to manage such matters; they are not so barbarous as not to know that. They had all their preparations made to get us down into that cañon and then not a man would have got out.

By Mr. GUNTER:

Q. Was their line of battle parallel with yours as you were moving, or at right angles with the road?—A. Their line of battle was parallel with the road. They had originally expected that we would come down and follow the road, and they were over here between the two ridges; but instead of that we took the trail which saved us. They did not form at right angles across the road. They were waiting for us to get strung along in front of their position when they would have opened fire upon us.

By the CHAIRMAN :

Q. And you say it was fortunate that Major Thornburgh followed the trail instead of the road for that reason ?—A. It was, because we really took them in the rear of their position instead of stringing ourselves out along their front as they expected and wished us to do.

By Mr. POUND :

Q. Would the Indians have respected a flag of truce ?—A. I, of course, cannot say as to that. They know what it means, but whether they would have respected it or not at that time I don't know. They did not respect what was intended as a flag of truce, this waving of my hat.

Q. May they not have mistaken this demonstration of yours ?—A. I think not. It seems impossible.

Q. Would not the waving of a hat be as much a sign of war as of peace ? Might it not be so considered by them ?—A. I know nothing of their customs in that respect, but the manner of my men stopping and sitting there quietly on their horses, and my own attitude, looking right towards the Indians, and not towards my men, and waving my hat in a friendly manner—all these things considered, it seems to me that there was no possibility of such a mistake.

By Mr. HASKELL :

Q. It is not an unusual practice in the service, is it, where two bodies of men not knowing each other meet, for them to make a signal of that kind ?—A. No, sir.

By Mr. ERRETT :

Q. If you were going out to hold a parley, wouldn't it have been more prudent for you to have taken a flag of truce along ?—A. Well, it might have been better, but still I don't think that it would have made any difference. Indeed, I don't know that I had such a thing as a white handkerchief about me. I think the only handkerchief I had was a silk one around my neck, and that was of a different color.

By Mr. POEHLER :

Q. Had the Indians any way of knowing to what point your command intended to move before stopping and sending a delegation to the agency ?—A. No point where we should stop was designated, but they were told that we would move on to some point where we could find plenty of grass. The Indians had set fire to the grass at Milk River, so that all we could do was to move on.

Q. It was stated here the other day that there was good grass and water at Milk River ; what was the fact ?—A. There was grass there, but the Indians burned it off, and there was no running water ; no water except in pools.

Q. Then there was no point designated for stopping nor any idea given of the point at which the troops would stop ?—A. No, sir ; but Major Thornburgh assured them that he would stop at some convenient spot this side of the agency.

Q. Was Mr. Meeker asked to come out to the command ?—A. Yes ; he was asked to come out. In the last letter that Major Thornburgh wrote to Mr. Meeker he asked him to come out with as many of the chiefs as he could get to come and meet him at the camp. He said in that letter, " I am going in with five soldiers : I don't know why the Indians should not come out with me." In the conference it was agreed that he should send that word. To that letter no answer was received. I understand, however, that a letter in reply was found on

the body of one of the employes of the agency, in which Mr. Meeker said, "I will come out with some chiefs to-night."

By the CHAIRMAN:

Q. To-night or to-morrow?—A. I don't know whether he said to-night or to-morrow; but at any rate this was the time that he was to reach us at our camp, the night of the 29th. I think that letter was probably written on the same day that the request was sent to him, or a day later? I cannot say as to that.

Q. You never saw the letter?—A. I never saw it.

By Mr. GUNTER:

Q. Was not the fight on the same day on which the last letter was written by Major Thornburgh to Agent Meeker?—A. No, sir.

Q. Was it not on the 29th?—A. Yes, sir; the last letter was dated the 28th. Mr. Lowry, one of our guides, who was afterwards killed, brought in a letter on the 28th from Mr. Meeker. That was the last letter received from him. Then that evening, about four o'clock, Mr. Eskridge, the man who came out with these Indians to Williams Fork, Henry, Colorado, and the rest of them was asked to remain until we should reach camp next night. He did, and he took the letter to Mr. Meeker, asking him to come out with those chiefs on the 29th.

Mr. DEERING. General Adams's idea was that the trouble could have been averted if, when Eskridge arrived at the agency, Meeker had returned an answer promptly that night.

The WITNESS. I understand that that is his view.

By Mr. GUNTER:

Q. What day of the month was the massacre at the agency?—A. On the 29th.

Q. Have you any knowledge of the time of day, whether it was before or after the fight?—A. I have no means of knowing that except from reports which you gentlemen who have been investigating the matter doubtless know more about than I do.

By Mr. POEHLER:

Q. About what time of day did the fight commence?—A. Between half past eleven and twelve.

Q. Did you see General Adams at any time; and, if so, under what circumstances?—A. I have only seen him once, and that was last evening at the Ebbitt House.

Q. Didn't he come to your camp out there?—A. He came to General Merritt's; but you understand that I went back to Rawlins with the remains of our companies and the wounded men. I never went to the agency at all. I went back with the rest of the command to the White River.

Q. Then you know nothing about anything that took place after what you have already testified to?—A. I do not. I may say that on the day the fight began, along toward evening we could see smoke in the direction of the agency, and we talked about it at the time, and said that that was doubtless the smoke of the agency buildings, and that the Indians had murdered everybody there.

Q. Would there have been time for the Indians to have communicated with their friends from the point where you were in time to have brought about the massacre that evening?—A. O, yes; there would have been if they sent out runners at once. It wouldn't have taken them more

than an hour and a half, as they ride, to have sent the news to the agency.

By Mr. WELLBORN:

Q. What day was it that Major Thornburg, told Jack that he could not stop at the point where he was then, but must go on to a more desirable point?—A. That was the night of the 27th. It was the night of the 26th that Jack first came to our camp at Bear River.

Adjourned.

WASHINGTON, *January 27, 1880.*

JOSEPHINE MEEKER, sworn and examined.

By the CHAIRMAN:

Question. State your residence.—Answer. My present residence is in Washington, D. C.; my home is in Greeley, Colorado. For the year and a half preceding my coming to Washington, I lived at White River.

Q. Did you live at the White River Agency?—A. Yes, sir.

Q. What is your relation to the late Mr. Meeker, formerly the agent there?—A. I am his daughter. I was a teacher and a physician there.

Q. Had you studied medicine?—A. No, sir.

Q. Was there any other physician in the place?—A. No, sir. My mother did a great deal in giving out medicine, while I was really a teacher; but the two, "teacher" and "physician" had to go together; you could not take the one name without taking the other.

Q. Had they any regular physician while you were there?—A. No, sir.

Q. And never had any?—A. No, sir.

Q. After you went to the White River Agency with your father, when did you first observe anything like a feeling of hostility between the Indians and your father?—A. As soon as I came in. When I arrived at the agency the Indians were all off the reservation except two or three families; and, as soon as they came in, Jack began opposing the agent. He wanted the agent to disregard the regulations that came from Washington and issue to them whole sacks of flour; that is, instead of twenty-five pounds weekly, he wanted one hundred pounds once a month, so that they could go off the reservation and be gone a month.

Q. How long was that before the outbreak?—A. That was in August, I think, of 1878.

Q. The outbreak was—when?—A. In September, 1879. As I was proceeding to state, Jack ordered all his men that he had control of and many others not to draw any rations. For several weeks they did not draw any, at the end of which time Jack was ordered down south by the commissioners, when his men all came in and drew their rations without any further trouble. I am speaking now of the year 1878.

Q. Of what commissioners do you speak?—A. The commissioners who were then at Los Pinos, negotiating to purchase the four-mile tract at the Uncompaghe Agency.

Q. Those known as the McFarland-Hatch commissioners, the same who were treating there with the tribe in 1878?—A. Yes.

Q. What did they order him south for?—A. They were buying the four-mile tract from the Utes, and they ordered him to come down there to see what treaty they could make with him.

Q. Did he go alone?—A. No, sir; Mr. Curtis, the interpreter, and others, I do not know who else, went with him.

Q. Any other Indians?—A. I presume there were; it is likely there were, but I do not know who they were.

Q. After Jack left, his band then came in and drew their rations?—A. Yes, sir; they all did without any trouble.

Q. Go on and state, as accurately as you can, all that occurred from the time of your arrival at the agency up to the time of this outbreak, particularly all differences, the causes of the differences, and everything you remember in connection therewith.—A. I arrived there on the 17th of July, 1878; my father having got there in May, 1878. The instructions to him from Washington were to do everything in his power to induce the Indians to farm, to work, and to adopt civilized ways. There was no place there, no land of any amount, that could be cultivated without great expense. The agency was located at a point high up at the mouth of a cañon where the snow lay two or three feet deep all the winter, and where it was very cold. The agent found it impracticable to carry on farming at all at that location, and therefore applied to Washington for permission to move the agency to a point fifteen miles below, where several thousand acres could be cultivated and irrigated without difficulty, where the climate was comparatively mild, and where the Indians were in the habit of wintering, as the snow did not remain upon the ground there as in other places. The proposed new location was altogether desirable, I suppose, as compared with the other. The Indians never wintered at the old location because of the extreme cold. It was almost impossible for them to live there in the winter. The government granted the agent permission to remove the agency. The Indians all liked the change, and it seemed to be satisfactory until Jack heard of it. Jack, seeing that Douglass was in favor of it, opposed it.

Q. Was there any jealousy between Douglass and Jack?—A. Yes, sir; they were rival chiefs and each was trying to control as many men as he could.

Q. Were they of the same band?—A. They were of the same band, the White River Utes.

Q. Douglass was in favor of it, then?—A. Douglass was in favor of it, and therefore Jack opposed it. After a time the majority of the Indians consented to it, and Jack with his men moved off the reservation and remained off all winter. The agency was not moved until the spring.

Q. They left their reservation?—A. Yes, sir.

Q. Where did they go?—A. They went up on Bear River, where they remained most of the winter. Mr. Curtis undertook to get what Indians he could to help build an irrigating canal, which was the first work that was done there. He succeeded in getting from fifteen to thirty to work. These were the Douglass men. Douglass himself came there.

Q. Had you at this time moved down to the lower agency?—A. No; we had not moved yet, but some of the employés were there at work.

Q. This irrigating canal was being dug down there?—A. Yes; it was being built down there. Jack opposed it all that he possibly could. Henry James, who was our interpreter, was in favor of working, and always had been. With the exception of James, not one of the Indians could drive a team nor knew anything about work. He had been afraid to work because Jack had threatened a number of times to shoot him if he did work.

Q. Was he a full-blooded Indian?—A. Yes, sir. When, finally, so many of them commenced work, Jack saw that he could not do anything, so he moved off and took his men with him.

Q. Do you know how many went with him?—A. A majority of the

Indians went with him. I do not know exactly how many; a couple hundred or so, perhaps more. The Indians worked well, and dug perhaps one-half of this irrigating ditch. They were paid off regularly, and, as an extra inducement for them to work, the agent gave to all those who would work double rations, clothing of all kinds, boots and some of everything that there was at the agency. Whereas those who did not work simply drew their regular rations and their regular annuity goods. Jack became offended at this and started the report that the agent refused to give them rations unless they worked. The fact was that if they did not work they only had their regular rations, and if they did work, they had extra rations and extra inducements. We were kind to them in every way that we possibly could be to encourage them in working. In the spring, a number of them helped to dig fence-post poles, and helped to get out the fence posts. The employes plowed up 80 acres of land and fenced it. Many of them planted little gardens of their own.

Q. Within that tract of eighty acres?—A. Yes, sir.

Q. Did the Indians assist at all in breaking up that eighty acres?—A. Not in breaking up the eighty acres; they assisted in grubbing out the sage-brush, and they grubbed out eighty acres of sage-brush at a point lower down on the river, where they could plant potatoes, and so forth. Twenty acres of wheat were put in in the spring.

Q. Were they all given small gardens to work?—A. Yes, sir; all those who could be induced to take them were given them. Just at this time, before the agency was moved, Jack came in from Bear River, and wanted to work.

Q. This was at the lower agency, was it?—A. No; this was at the old agency. All the employes were at the lower agency, but the removal had not been made from the old agency. This was in the spring, about April or May, I think. Father immediately offered Jack every inducement that he possibly could offer, as he had offered to others, to induce him to work, and told him he would send employes up to help him. Jack wished to have his farm about twelve or fifteen miles from where Douglass was, and father tried to induce him to move to Powell, because there was plenty of land there for all. Jack said he would not go anywhere near where Douglass lived; that he wanted his farm and wanted to start it in opposition to Douglass, and to call it "The Farm that Jack Built." So the agent agreed to it, and they broke up the land, when Jack helped to fence it, and things went on very well. Then he tried to induce the agent to move the agency back to the old place, or near to his farm, which, of course, could not then well be done. Jack said that if the agent did not do it he would not farm; that he wanted the agent to be near where he was, and he did not want him near Douglass. The agent told him that this was simply impossible; that he (Jack) ought to have come in at first and then have taken Powell Valley. As soon as we had moved, and the houses had been moved to the lower agency, and we had the issues at the lower agency, Jack left his farm, went to Denver, and complained very bitterly to Governor Pitkin about the agent. I understood afterwards that Governor Pitkin asked him what complaint he had to make, and that he replied that he did not like the agent because he was continually talking to them about schools and about work. Up to this time I had done everything I possibly could do; the agent had done everything that he possibly could do, and Mr. Curtis, who is an old friend of theirs, had done everything that he could do, and we had succeeded in getting three children into the school, and everything was going along well at Powell Valley. As soon

as the crops were planted a great many of the Indians went off the reservation to hunt; in fact the majority of them remained off the reservation, except about the time of the general issue, which occurs once a year. Pe-ar's band, Colorow's band, and Washington's band were never on the reservation, since we have been there, except at the time of the issuing of the annuity goods.

Q. What bands were those you speak of as the Pe ar, Colorow, and Washington?—A. Those were the names of leaders who had control of a few men. There was no regular chief there, in fact, and the men were all divided up. Every boy there had as much control and as much right to go and insult the agent as any one else. They did as they pleased, every one of them, and had done as they pleased for years. It was utterly impossible to have any control over them or have them do anything other than just what you could persuade them to do by coaxing them and giving them things.

Q. How many different bands were there in this tribe?—A. There were these bands: Pe-ar's, Washington's, Colorow's, Johnson's, Jack's, and Douglass's; but, as I have said, the Pe-ar, the Colorow, and the Washington bands never remained on the reservation. They had been for years going through North and Middle Parks, scaring what women they could find, murdering stray miners, and stealing horses. They had plenty of money and plenty of horses, and, as they never did any work, they must have got them some way.

Q. Where did they get the money?—A. They never worked any, but they always had plenty of money. They never took any rations from the agency.

Q. Of how many men were those different bands composed?—A. The number varied. There were from twenty to thirty in a band, some of the bands having more and some less. There were about twenty or thirty lodges, perhaps.

Q. What was the average of the number of men for each lodge?—A. They generally allowed about five persons to a family, I think. These bands would return once a year. They had returned just before this massacre, as it was then very near the time for the general issue.

Q. They had all come back to the reservation?—A. Yes, sir; they were all in then.

Q. These others that you speak of, were they subject in any way to the chiefs—to Jack or the rest?—A. No, sir.

Q. Were they all divided among themselves?—A. Yes, they were all divided.

Q. But each recognized his own chief, and was known to his own chief?—A. Yes, sir.

Q. Were the chiefs of those bands hostile to each other?—A. No, not as much as Jack and Douglass were, because Jack and Douglass controlled the largest number of men, and it was a fight between Jack and Douglass as to which would be chief. Really, Jack was the chief, but Douglass was recognized as chief by the government. There was a regulation received from Washington about once a month, generally, and it made no difference what the regulation was, the fact was always the same, that if Douglass was in favor of it, Jack was sure to oppose it.

Q. You say that Douglass was the chief recognized by the government, but that Jack was the one recognized by the Indians?—A. Well, Jack controlled the largest number of men. Douglass had only about forty or fifty followers, while Jack had, perhaps, a couple of hundred.

Q. Had Jack been selected in any council of the Indians as their chief?—A. No, I think not.

Q. You mean, then, simply that his followers outnumbered those of any other chief?—A. Yes, that is all.

Q. Why then did the government recognize Douglas?—A. I do not know.

Q. That occurred before you came there?—A. He has been chief for a great number of years. I presume that he used to control his men. He has no control over the men now; in fact, none of the chiefs have any control, as each one is so afraid of offending his men and thereby losing a few; and, for this reason, they do not exercise any control over their men.

Q. Proceed now with your general statement?—A. The general complaint by the Indians was that they did not want to work. When we would ask them to let their children come to school they would laugh at us, they would always laugh at me, and tell me that they did not want any school. And my particular friends among the Indians came to me on a number of occasions and told me I must stop asking the children to go to school, and stop asking the parents of the children to send them to school, as it would make enemies; that they did not want any schools, nor did they want any work. The Indians said that when the agent first came there they thought he was a good agent, but that now he talked so much about work he was not a good agent. I asked them, "Why do you not want to have your children go to school?" They replied that if they sent them to school and they learned to read and write and learned to work, the white folks would say, "We will not send you any more flour; you can grow your own wheat." They said that if their children learned to read and write the white folks would want them to learn to be carpenters; then they would want them to learn to build houses; then they would want the Indians to live in houses; then they would want them to learn to farm, and that, if they learned to farm, then they would want them to break up the ground, and that that would necessitate their giving up their horses, and if they gave up their horses they might as well be civilized and be through with it. They said they did not want any schools and did not want work, but that they wanted an agent there who would give them out their flour and who would write to the government to send them flour, to send them blankets and everything they wanted, and who would not talk about work or school to them; that that was the kind of an agent they wanted. Nevertheless they did work and did send their children to school; but this was simply to please us, as we were constantly urging them to do so. They also broke in a number of their horses during the summer, and many of them hauled the flour down from the old agency to the new agency, for which they were paid three dollars a day. All those who worked had extra rations furnished them, were paid fifteen dollars a month in cash, and had every inducement possible held out to them. The young men who had no horses would work to get money, if the older ones who had plenty of horses would let them. The older ones ridiculed them for working, and, on a number of occasions, Jack threatened to shoot them if they did do work, and that deterred a great many from working. They had, last fall, many bushels of potatoes for sale, and planted a number of acres of sweet corn and other vegetables. They were very fond of vegetables and anything of that kind.

Q. By whom were these potatoes planted?—A. By the Indians themselves. The employes showed them how to plant the potatoes. Of course the Indians knew nothing about work until they had been shown how to do it.

Q. Was this upon the eighty acres of land that the employés had broken up?—A. Yes; this was upon the eighty acres of land that the employés had broken up and upon the eight acres on the river which the Indians had grubbed out. Of course, the Indians did not know how to break up new land as the soil was very heavy. They were shown how to irrigate the soil and how to raise their crops. The idea of the agent was to plow fifty acres more between the street and the river, and in a direction exactly opposite to and across the street from the other cultivated portion, and also to inclose about 200 acres in all, in order to have some grass for the cattle and horses at the agency. As it then was, although all the families living near the agency had from ten to one hundred horses, there was no grass within seven or eight miles of the agency. The employés had to drive off the milch cows for some seven or eight miles in order to find grass for them. A number of Indians had taken cows and learned to milk them; they were milking some twenty or thirty cows altogether. Many of them had, of their own accord, built corrals, and a number of them desired to have houses—which were promised them as soon as the employés could get around to build them. When they began to plow these eight acres of land across the street, a woman, known as "Jane," who lived near where the plowing was being done, and who had a number of horses, objected.

Q. What was the name of the woman?—A. Her name was Jane. Her husband's name was Pauvits. She spoke very good English, having lived in a white family. She objected to the plowing on the ground that there would not be any grass near by for her horses, and that the agent could go and plow at a point some half a mile above there on the side of a mountain or higher up. The ground at the point indicated by her was covered with sage brush and grease-wood of about four or five feet in height, which would have taken probably about three months to grub out. This the agent did not wish to do, as the land at the agency was in every way fitted for raising wheat and for farming. He told Jane that if she would allow him to plow he would move her corral (she had built a corral), that he would dig her a well, build her a house, give her a stove, and give her many more things. This she at first refused to accede to, and made all the disturbance that she could make about the plowing of the land. Then father sent for Jack, who was camped about fifteen miles away. Jack and his men came down, and they talked about the land being plowed. Jack told him that he could plow to a certain distance, but not to plow any more than that.

Q. Had Jack gone down then? I thought he had remained off this reservation, at least off this part of it?—A. He was at that time in camp fifteen miles off. They had then come into the reservation so as to be in time to draw their annuity goods.

Q. Were his followers in camp at this point fifteen miles from the agency?—A. Yes.

Q. Was he interested in the crops at the agency?—A. No, sir.

Q. Why did the agent send for him then?—A. Because he controlled the largest number of men, and the agent thought that if he could get the consent of the majority the rest would submit to it. Jack said that he did not care; that they might plow for a certain distance. When the plowing was resumed several Indians of Jane's party came out with guns and ordered the plowman to stop. Jack was sent for again, and it was finally agreed that the agent should plow and fence as much as he wished to do.

Q. At the agency?—A. Yes, sir; Johnson had not attended any of these councils, though all the Douglas men had; and when the plow-

man commenced plowing again Johnson came down and was very angry. He took the agent, pushed him around the room, and out of the house, pushing him up against a one rail fence, a sort of hitching post that they had in front of the office, pushing him backwards over that, and would probably have killed him if the employes had not come. Johnson's son was the one who fired at the plowman. Of course, then everything was stopped.

Q. To what party did Johnson belong—to Jack's party?—A. He had a little party of his own. He was rather with Douglas, but he controlled a few men of his own. Everything was stopped then, and the agent telegraphed to Washington for instructions, saying that he could not carry out the directions of the government to carry on farming operations there unless he was protected, stating also what assaults had been made upon him, what difficulties he had met with, and that if they wished him to continue farming there they must send him protection. In the meantime (before this time) General Dodge's troop of cavalry—Company 9, I think—had been sent in to clear North Park and Middle Park of Jack's and Douglas's parties, who had been off the reservation burning timber. They had burned Mr. Thompson's house.

Q. How do you know that?—A. Mr. Thompson claims that they did. He had warrants out against them—against Chinaman and Bennett.

Q. He claims, you say, that Jack burned his house?—A. That some of the Indians did; that Chinaman or Bennett did. Complaint had been made to Governor Pitkin and the Interior Department and they had sent up this company to send the Indians back to their reservation. Meantime, father had sent out Douglass and one of the employes to recall the Indians, and from the employes we learned that for miles and miles, between Middle Park and the reservation, the country had been burned over.

Q. That was outside the reservation?—A. It was outside of and also on the reservation. Jack claimed that the timber had been burned by white men; but, as there were no white men there, as they seldom passed through that territory, and as there were none camped upon the reservation, it was not at all likely that such fires originated in those mountains at that time through the agency of white men.

Q. How far were the Indians from the agency?—A. They were then at Middle Park.

Q. How far is that from the agency?—A. I do not know; perhaps 150 miles.

Q. What time was that?—A. This was in the latter part of August, I think. For weeks at a time, almost, we could scarcely see the sun on account of the smoke from the burning mountains all around the agency there; and at night the whole sky would be lighted up by the fires on the mountains.

Q. Did the Indians confess to having burned that timber?—A. They confessed to it while we were traveling with them. We traveled for days at a time through the burnt districts, where the grass and everything had all been burned, and I asked them on several occasions why they burned things so. They would laugh, and say there wouldn't be any grass for the soldiers when they came. They said they knew where there was good grass for themselves. And they set fire to it for several objects, one of which was to drive game. They said that, having set fire to it on the lower side of the mountain, they would go around to the other side of the mountain and head off the game. Another object was to have dry fuel for the next year. As I was saying, most of the Indians returned to the agency from Middle Park. They were angry

at the soldiers coming in there and wanted to know why it was that Company D was there; but as the soldiers did not come on the reservation, they forgot about it and Jack was preparing with all his men to go north, to be gone all winter on a hunt, and was just about to start, when, on Friday night, he came in very much excited, saying that there were troops on Bear River. The agent had previously been informed by the department that they had sent troops in for his protection. Previous to this, a number of men from Middle Park County and from Denver had come in to arrest Chinaman and Bennett for burning Thompson's house and Douglass had refused to give them up. The agent had orders from Washington to have these men arrested; but, of course, nothing of the kind could be done, as there were only some dozen men there, and if these had attempted to make the arrests, they would have been murdered before they had left the reservation.

Q. The agent had orders to arrest them?—A. The agent had orders to assist in making their arrest.

Q. Douglass refused to surrender them?—A. Yes, sir.

Q. Did he know they had been guilty of the offense?—A. He said he did not know anything about it; that he did not know of any such doings, and pretended to be utterly ignorant of the whole affair.

Q. Did the agent make any effort to arrest them?—A. He made an effort to find them.

Q. Did that create any feeling between the agent and Jack?—A. Jack was not there at that time.

Q. Or between the agent and Douglass?—A. No, nothing, particularly. The men who came after them could not find them, and they returned. On Friday night, Jack came in and said there were soldiers on Bear River. He was very much excited.

Q. Where is Bear River?—A. Bear River is sixty miles from the agency and off from the reservation.

Q. How far from the reservation?—A. I don't know; I suppose fifteen or twenty miles, perhaps.

Q. Fifteen or twenty miles from the reservation?—A. Yes, sir; perhaps about that; it may be thirty miles.

Q. Was his complaint simply that the troops were there on Bear River, or was it that they were there on their way to the agency or reservation?—A. He supposed they were on their way to the agency.

Q. That was his complaint?—A. Yes, sir; and he wished to know what the matter was. The agent told him he did not know that they were there; that that was the first we had heard of their being there; and Jack said he did not want them to come on the reservation. Jack told him then that if they came on the reservation he would be there to meet them with his men in the cañon, as soon as they attempted it.

Q. That was on Friday night?—A. Yes, sir. They held a council on Saturday, in the forenoon.

Q. What day of the month was that?—A. That was the 26th. They held this council and requested the agent to send out for Major Thornburg and five of his principal men to come on the reservation and compromise the matter, but to leave his troops outside.

Q. Did anybody share in this council besides Jack and his band?—A. Both Jack and Douglass did. The agent told them he would do what he could. In the mean time, all the squaws and all those about the agency had moved across the river. The squaws and the men were very much frightened. In the afternoon, one of the employés, Mr. Eskridge, and several Indians, started to meet Major Thornburg with letters from father, stating the request of the Indians. He (Eskridge) told

Major Thornburg that he would not attempt to tell him what he should do, but he thought it might be best for five of them to come in and have a talk about the matter.

Q. That was your father's letter?—A. That was my father's letter. A few hours after their departure, Mr. Lowry, Major Thornburg's guide, came into the agency with letters from Major Thornburg requesting the agent to send him out all the information he could as to the condition of the Indians; as to what they would probably do; whether they would be hostile or would depart at his approach. As father had already sent out these letters by this other man, who had left a few hours before, Mr. Lowry remained there all night. The Indians, who were all armed, gathered at the agency and were continually watching around to hear what they could. On the next morning (Sunday), at daybreak, Douglass made a speech to his men at his camp. Of course it was only a few yards from the agency, and we could hear him speaking.

Q. Could you understand him?—A. No, sir. He was talking in Ute. We did not pay any particular attention to him.

Q. Did you learn what it was that he said to them?—A. I did not. About ten o'clock, Jack, with all his men, came down from where he was camped and gathered around at Douglass's camp, over which the American flag was flying—which meant, "no fight; peace." They had a long council, and I remember remarking to Mrs. Price, as I came into the house, that whether Douglass was chief or not, Jack and all of his men gathered around him in time of danger. They held a long council there, and Jack and Douglass were suddenly very good friends apparently, and now I believe, as I believed afterwards, that that was the time when the whole massacre and fight were planned. They came up to the agency

Q. Did they come together?—A. Yes, sir; all of them came up to the agency, and they claimed that three of their men (meaning three young men of about 18 or 19 years), who had gone to meet the soldiers, had not returned, and that the soldiers had killed them. After some talk and dispute, the agent trying all the time to quiet them, and to tell them they need not fear anything from the soldiers, they said they did not fear anything from them, but they did not want them on the reservation, because, if the soldiers came there the Indians would have to stay all the time on the reservation, and this they did not want to do; that they did not want to be controlled by the soldiers, and did not want to have them there. Mr. Lowry, to satisfy them that nothing had happened to these three young men, started out, accompanied by Jack and several more, in search of them. I heard nothing further about them. These Indians went away peaceably; that is, nothing was said. Serwick came down to take dinner with us. He also took breakfast and supper with us on the day before the massacre.

Q. Who was he?—A. He was here in Washington with Jack. "Serwick," they call him. He is under Jack. He is no particular chief, but does as Jack tells him; he is Jack's right-hand man. This was Sunday afternoon. Everything was quiet; the employes had kept guard Friday, Saturday, and Sunday, night and day, taking turns in relieving each other, or changing off, as we were afraid that the Indians might set fire to some of the buildings. We could see that they were continually growing more angry. At first they were very much frightened, but, as things were delayed, as the soldiers delayed their coming in, they grew more and more angry; and they were all well armed. On Saturday afternoon, a number of them went out to Mr. Taylor's ranch (the nearest store) on Milk Creek, and demanded ammunition and guns. Their de-

mand was refused, as all the ammunition and guns had been sent out only a few hours before. They insisted upon having what they wanted, and dug up the ground all around wherever they thought it probable that the ammunition had been hidden, turned the store all over, upside down, and threatened to burn everything, and to kill the men there. Some of the older ones quieted them down, and they went away. The news of the condition of things reached Major Thornburgh, and he anticipated trouble. On Sunday night, a war-dance was held at Douglass' camp, which lasted most of the night. They also kept a pretty good watch over the agency so as to know of any movements that might take place there. The agent had thought to take the family and all the employés, go out to the troops, and come in with them; but he knew now that if he did that, everything in the agency (which included thousands and thousands of dollars' worth of goods in his keeping, as all the annuity goods were in there) would be destroyed, and that he would be held responsible for everything there. Therefore he decided to remain. On Monday morning Douglass made another speech to his men, at his camp. On Monday, at noon, Mr. Eskridge, who had taken the message to Major Thornburgh, returned. Jack, who had been out to the soldiers on several occasions, said that he had told them they must not come in to the agency, and that they said they would come; that he had told them that if they did there would be trouble, when Major Thornburgh told them that he had orders to come and he must come. But Major Thornburgh, in his letters, wrote that he did not wish to fight them.

Q. Let me understand that. You say that Major Thornburgh told Jack that he must and would come to the agency?—A. Major Thornburgh told Jack that he had orders to come through to the agency, and he must come.

Q. How did you get that information?—A. Jack told us so. I think, though I am not positive, that Major Thornburgh said the same in his letters, or about that, or words to the same effect. This letter that this employé brought in, I think, has never probably been obtained by any one, because the massacre occurred about half an hour afterwards, and it was probably destroyed. My recollection of the contents of the letter (for father repeated it to me), was that it was words to this effect: that Major Thornburgh, upon hearing how the Utes had conducted themselves at this ranch, and anticipating trouble, was then upon day and night marches, forcing his way through as speedily as he possibly could, but that he wished this news to be kept entirely secret from the Indians; that he did not wish them to know in any way that he intended to come on the reservation; that he intended to bring five men in to talk with them, and that he wished further to induce Douglass and the principal officers to meet him that night on Milk Creek, to hold a council there, when he (Major Thornburgh) intended not only to meet the Indians himself, but to have all the troops meet them, and when they would take care of them and march into the agency, thinking thereby to avoid any difficulty, as he would bring the principal chiefs with him.

Q. All that you now state, you say, was disclosed to your father in that letter?—A. Yes, sir.

Q. Did that get to the ears of the Indians in any way?—A. No, sir. Major Thornburgh wished father to return an answer immediately. The employé who brought the letter got in just about noon. As soon as he had eaten his dinner, he prepared to return and wished an escort to go with him. The agent asked Douglass to send some men with him, but Douglass at first refused to do this. However, after a little, having

gone home and talked the matter over with the rest of them, he came back and said he would send two good men. He sent Ebenezer and Antelope (the latter being Jane's brother-in-law), who started off after I had put them up some dinner. In about fifteen or twenty minutes, one of these men was seen to return to the agency. Douglass and all of them came into the house—all of them were well armed—and we gave them all around something to eat. Douglass was in very high spirits. He was laughing and joking with me, and promised to bring back to school his little boy whom he had taken away the day before. He said he would bring him back that afternoon; that he wanted him to learn to read and write; that the agent was pretty good; that all the squaws were pretty good. He seemed to be very much pleased over something. Another Indian came in and borrowed some matches, as he wanted to smoke, as he said. About this time the agent came in and wanted to find some keys so as to lock up the employés' room, where all their guns and the government guns were kept. After looking for them he told me that he had found the keys, and he then went to lock up the room. It was about 15 or 20 minutes after Douglass had gone out (I was washing the dinner dishes at the time), when we heard very suddenly several guns fired off. I ran and looked out of the window in the direction from which the sound of the firing came. There was a new building there on which all the employés had been at work—the flour-house—and, looking in the direction of that building, I saw some fifteen or twenty Indians firing at the employés, who were running in every direction and trying to escape.

Q. In that connection give, if you can, the names of the Indians whom you saw?—A. I cannot give them.

By Mr. POEHLER:

Q. Was this Douglass's band?—A. It was Douglass's band, as Jack's band was camped fifteen miles away.

Q. And Douglass was in camp there?—A. Douglass was in camp at the agency.

By Mr. HOOKER:

Q. Can you name no one of the persons whom you then saw? Did you recognize none of them?—A. What names we remembered were fresh in our minds as we came out of the agency, and we gave a list of them to Major Pollock. He took it officially for the use of the government, and those names are more correct than would be any I could give you at this day.

By the CHAIRMAN:

Q. Had you, up to this time, heard anything from the troops as to what had taken place on their part?—A. No, sir.

Q. You had not heard a word?—A. Previous to this, some half an hour before, a runner was seen to come in.

By Mr. WADDILL:

Q. An Indian?—A. An Indian runner. He came in and stopped at Douglass's camp. We did not think very much about it, because we did not know very much about runners at that time. As soon as we saw that they were fighting, we took the children and went into the milk-house, which adjoins the kitchen, locked the door, bolted the outside door, and sat down on the floor. Frank Dresser, an employé, ran into the house, procured Mr. Price's gun in the room of Mr. Price, which adjoined the cook-house, fired one shot, and hit an Indian who was Johnson's brother.

We sat there and Frank Dresser joined us. He told us that he had heard Douglass talking very loudly to his men; that he knew it was Douglass who spoke by his voice; that he had made his escape and ran into the employés' room to get some of the guns, but that the government guns, all the employés' guns, and everything, had been stolen. We sat there all the afternoon. At intervals it would be perfectly quiet, and then again the firing would break out with say half a dozen or perhaps a dozen gun-shots at once. Then it would be quiet again. Then the guns would break out again. It was very evident to us that they were carrying off the goods, and that when they would see a man they would shoot him. We found that they were busy stealing the goods, and that as they would see a man belonging to the agency, they would shoot him. It kept up that way until about five o'clock. The massacre commenced at about half past one, and, at about five o'clock, we discovered that the house had been fired. We then unlocked the doors and ran around into father's room. We found there that nothing whatever had been disturbed. No one was there. Then we thought that if we could make our escape across this plowed field into the sage-brush beyond, which was 4 or 5 feet high, we might possibly make good our escape. Mr. Dresser ran across the field, he being able to run much faster than we could, as, on account of my mother being lame, we could not move very rapidly. The Indians, who were off down toward the river carrying off blankets and goods, discovered us, began firing at us, and came running up, calling us to stop. When they came up to us we stopped. One bullet from their guns hit my mother, but did not seriously hurt her, as it made but a slight flesh-wound. Frank Dresser had been shot previously through the thigh, though it did not seriously disable him, he said. But I suppose that some of the bullets that were fired at him as he crossed the field must have hit him. When we last saw him he was safe in the sage-brush. The Indians told us to come with them, and of course we had to comply. They promised us they would not shoot us or hurt us in any way. They took us down toward the river where each one of them had his pile of goods. They asked mother if she had any money, and allowed her to go back to the agency to get money and some other things. She went back, and on the way saw the body of father in the street. It had been stripped of all clothing except his shirt, but had not been disfigured in any way. He had been shot through the forehead. He was the only person whom she saw. The rest of us saw no one. The Indians at this time were busily occupied in stealing goods, and most of the buildings were on fire. The building that we had come out of, my own room, the cook-house, and Mrs. Price's room, were all on fire, and the roof had fallen in. They gathered together all the goods that they could get hold of, took the agency's saddles and all the agency's teams that they could catch, packed them heavily with government goods—these, including flour, all kinds of blankets, and everything else; and, just at dark, after we had been mounted, started across the river directly south.

By Mr. HOOKER :

Q. Did they burn the Indian houses, or only the agency building?—
A. Only the agency building. There was but one Indian house there (Johnson's house), and that house was half a mile away from the agency building. All the other Indian houses were up at the old agency. We traveled until about one or two o'clock at night, when we came to the place at which the rest of Douglass's men were camped.

Q. Give the committee in that connection—so that your story may be

more connected and intelligible—the names of the Indians who captured and carried you away.—A. An Indian by the name of Persune captured me, and Douglass took mother. An Uncompahgre Indian, or one who claimed to be such, whom we did not know, took Mrs. Price. She was taken to Jack's camp. I did not see her at all. Mother and I went to Douglass's camp.

By Mr. POEHLER :

Q. There were how many Indians there all together when you tried to escape and were taken prisoners?—A. There were about twenty-five or thirty there when we came out of the agency. They all had their guns and were well armed. They had plenty of ammunition and plenty of whisky. Most of them were drunk.

Q. That is at the time when you attempted to cross the field to the sage-brush?—A. Yes, sir; when they first captured us. There was no one of them there who did not take part in the massacre. They were all busily engaged in carrying off goods when we came out, and had been busily engaged in killing the men.

Q. What others of the Indians who were there did you know beside the three you have named?—A. We knew several; but, as I said before, I would not like to give the names now, as I do not know that they would agree with the names I have already given, and those other names are more correct than any I can now give. We camped that night with the rest of them in this cañon.

By the CHAIRMAN :

Q. That is, you and your mother? I understand that Mrs. Price had gone to the other camp?—A. Yes, sir. That camp was about five or eight miles from Jack's camp. In the morning, early, all the men cleaned up their guns, supplied themselves well with ammunition, and started, as they told us, to fight the soldiers. Of course we were wondering why the troops did not come in. Meanwhile, for two days, all the squaws were busy in going back to the agency and carrying off more flour and more goods. The building used as a warehouse, in which the goods were stored, had not been burned. They carried off all the flour and provisions that they could find and destroyed the rest.

By Mr. GUNTER :

Q. How far were you from the agency when you were in camp?—A. I should think we were about ten miles. But the reason why it took us so long as it did to get there was that the squaws, during the day, had moved the camp, and the men with us took us several miles out of the way, and then we had to go around back again; so that we did not get there until about two o'clock. I should think we were about ten miles off, but a short distance across the mountains from where the fighting with the troops was. The massacre was on Monday, the 29th, and we staid there in this cañon until Thursday. Some of the men returned and others would go out. They did not seem to be frightened at all about the soldiers. Just enough of them went out to keep the soldiers well surrounded. We asked them where the soldiers were, and they told us they had them in "a cellar," as they called it. They said the Utes were all round in the hills and hidden in the cedars; that they did not kill very many soldiers, but that the soldiers' horses were dying for want of water and food. They added that at night they would crawl up close to the soldiers, and, if they could, shoot them.

By the CHAIRMAN :

Q. What portion of the Indians was in camp from Monday to Thurs-

day?—A. There were perhaps 80 lodges with Douglass, and the rest were with Jack.

Q. Were many of those men who were in camp fighting men?—A. Yes, sir; a number of them.

Q. Were the men of that class as many as one-half of the whole number of men in camp, do you think?—A. No; the heads of families, and the men who were old enough to go to fight the soldiers, did not number one-half of the whole camp. But most of the men who were in camp went to fight the soldiers during that week. On Thursday we moved on about ten miles farther, and camped again. On Sunday night they told us that a white man from Uncompahgre had come in, and that we would see him; that he had come for the purpose of seeing us. On the following morning we asked them where he was, and they told us that he had come to see the soldiers; that he had come to bring orders from the agent to the soldiers to stop fighting. The fact in regard to that was that the orders were from Ouray to the Utes to stop fighting the soldiers. They told us that the white man said that he could not come to see us, because he was in a great hurry to go back. We afterwards found out that they had pretended to this white man—he being a stranger, an Uncompahgre—that they did not understand a word of English; that they did not know a word of it; that they had told him we had not been at the agency, and that they did not know a thing about us. At that moment we were less than a quarter of a mile from where the man passed, but they would not let us stir out of the tent. We were all the time subject to them, to their orders, and would have to obey them even to going to get a drink of water almost. If they told us at any time to go and bring some water or get some wood, of course we would have to do it. They did not, however, leave the soldiers when these orders came, but remained until reinforcements came in, when Douglass and the rest of them returned to camp and stated that any number of soldiers were coming all the way from Rawlins, into White River, and they were afraid. So they packed up and moved on. While at this place, Jack came to see me and laid before me his grievances against the agent, and against the soldiers, and all of them. He said that if the agent had done as he ought to have done, there would not have been any massacre; that the agent refused to give them a hundred pounds of flour when he (Jack) asked him to; that he refused to give out the blankets at the time that he (Jack) wanted them, so that they could go off the reservation and hunt. He said, too, that the agent had been continually writing to Washington to get soldiers in there; that all those wild and exaggerated stories which they had seen in the Denver papers about the agency being burned, and about "the Utes must go," had been written by father. He said the Indians declared and insisted that father wrote them all, and that these stories had always been interpreted and exaggerated to these Indians; that they had insisted that father had written them all, and had done everything that he could do against them. They were very much enraged over some pictures they had found in Major Thornburg's pocket. They were pictures of the agent, my mother and myself, and several other of the employés, representing us as having all been murdered, showing where we had been shot in different places—one through the head, another through the breast, and so forth, while our bodies were covered with blood. He insisted that father had made those pictures, and sent them out to the soldiers so as to get them in there, and to make them angry with the Utes.

Q. Were any such pictures in fact in existence?—A. I think there were.

Q. You think that there were such pictures?—A. I was told this same story some half dozen times by different ones, and the story was always the same. They became perfectly frantic with anger as they told me about the pictures. These pictures had been drawn, I suppose, by some white person; I do not know by whom.

Q. You did not see the pictures?—A. I did not see them.

Q. You say they were found in Major Thornburgh's pocket after he was killed?—A. They were found on the soldiers—either in the pockets of that officer or in the pockets of some of the soldiers.

Q. That was after the fight?—A. Yes, sir; that was after the fight.

Q. The fight took place before the massacre at the agency occurred?—A. It took place a couple of hours before.

Q. Have you any idea who could have drawn those pictures and sent them out there?—A. I have not.

Q. You saw no such pictures at the agency?—A. No, sir.

Q. Your father drew no such pictures, so far as you know?—A. No, sir.

Q. And, as far as you know, none went from the agency?—A. No, sir.

Q. You said you heard about these pictures from somebody else than Jack. From whom else did you hear of them?—A. I heard of them from Douglass and from a number of them, and I have great reason to believe that such pictures were in existence.

Q. You had reason for the belief that there were such pictures?—A. Yes, sir.

Q. In this conversation you have narrated, it was Jack who was making these complaints to you, was it?—A. Yes, sir.

Q. And Jack told you that those pictures were there and that he saw them?—A. Yes, sir.

Q. Douglass afterwards told you that he saw the pictures, and that they were sent to the soldiers?—A. Yes, sir.

Q. Have you any other reason for believing that there were such pictures?—A. I have reason for believing it, because a number of the Indians—not less than half a dozen—told me the same story, and the description they gave was always exactly the same which had already been given me; and also because of the anger they would show in telling about it. I was talking with Mr. Brady about it, and he also said he was sure there were such pictures in existence.

Q. Did you ask to see the pictures?—A. Yes. They said they had destroyed them.

Q. (By Mr. DEERING.) If I understand it, those pictures showed the wounds upon the bodies of those who had been shot and killed, and that all of you had been shot and killed?—A. Yes, sir. And the Indians insisted that father had drawn the pictures and sent them out; that he had also written these wild and exaggerated reports, and that he was continually against them. Jane told me that we could not expect anything else other than a massacre there; that the white employes all should be killed.

Q. (By Mr. WADDILL.) Was that before the massacre?—A. No; it was after it.

By the CHAIRMAN:

Q. Was it after this conversation between you and Jack?—A. Yes, sir. She said that father had always refused to mind the Utes; that he had not done as they had told him to do; that they told him to give out

rations in such and such amounts, and that he did not do that; that they had told him to stop work there, and that he did not do that; that they had told him to do a number of things, and that he did not do them; that he did not mind the Utes at all. She always said she knew it would be so when we first came there. She also stated this a number of times when we first came there, that Mr. Danforth and Mrs. Danforth, who were agents before us, upon leaving, had told the Utes, a number of times, that now the new agent was coming and all the Utes would have to suffer, and that they would be greatly abused in every way.

Q. (By Mr. WADDILL). Did I understand you to say that Jane is a white woman?—A. I said she had lived for a number of years in a white family?

Q. But is an Indian woman?—A. She is an Indian woman.

By the CHAIRMAN:

Q. Were those all the complaints that Jack made to you?—A. O, they made a great many complaints.

Q. Were any of them complaints that went back to a time prior to that at which your father came to the agency?—A. No, sir.

Q. There were no complaints of anything prior to that time?—A. Not to me. They were complaining about the present agent; that is, Jack was.

Q. You heard of no complaints about anything that occurred before your father went there as agent?—A. No, sir.

By Mr. GUNTER:

Q. These pictures that are spoken of—did the Indians say they had seen or heard anything of them prior to the attack on the troops and prior to the massacre at the agency?—A. No, sir.

Q. They found all the pictures after that?—A. I think so.

Q. Or did they find the pictures after the fight and before the massacre, do you know how that was?—A. I will not be certain as to how that was. I remember they said they saw the pictures. Jack told us that Major Thornburgh had not treated them right. He said he went to Major Thornburgh before the fight and asked him what he was going to do on the reservation. He said Major Thornburgh told him they had come there to fight, to make them behave themselves; and had come there to arrest a number of them—Jack, Bennett, and Chinaman—giving me exactly the same names that Major Thornburgh had given as those of the men he was intending to arrest. How they found out those names unless Major Thornburgh gave them those names, I do not know.

By the CHAIRMAN:

Q. Had Major Thornburgh given those names to your father by letter?—A. Yes, sir.

Q. And had stated that he was going to arrest the men so named?—A. Jack said that Major Thornburgh said he was going to arrest them, take them to Fort Steele, and perhaps hang them.

Q. Were those the parties against whom civil process had been issued for burning Thompson's house?—A. Bennett and Chinaman were.

Q. Any others?—A. No.

Mr. GUNTER. I understand, from the statement of this young lady, that Major Thornburgh aimed to get Jack, Douglass, and several others of these parties to meet him, then to arrest them and to bring them into the agency with him as he approached the agency. That was the idea I caught from her statement.

The CHAIRMAN. She did say that, and she also stated that in the letter to her father Major Thornburgh mentioned the names of several Indians whom he intended to arrest. [To the witness.] Did he not?

The WITNESS. Yes, sir. My understanding was that he would not attempt to arrest them until after he got into the agency. And of course the arrest was aimed at other parties besides those named, who had been committing depredations. Jack said that if they would have to go to Fort Steele, they might as well fight the soldiers themselves. But it was all previously planned, because Jack had given father warning that they would fight if the soldiers came on the reservation; that they would meet them right there where they did in fact afterwards meet them.

Q. (By Mr. WADDILL.) He told your father that?—A. Yes, sir.

By the CHAIRMAN:

Q. Jack had told your father that before he saw the soldiers?—A. Yes, sir; when he first heard that they were coming in. Jack was up there where the soldiers were with all of his men hidden in the hills, which are high and covered with scrub cedar.

Q. Let us now go back for a moment to this matter of the arrest. You say that there were two of them whom Major Thornburgh wanted to arrest under civil process?—A. Yes, sir.

Q. What did he say he wanted to arrest the others for?—A. He was going to arrest Johnson, I think, for attacking father, but I do not know as to that. He simply said that he had warrants to arrest them.

Q. How many and whom did he say he was going to arrest?—A. Johnson, Chinaman, and Bennett; and that he was going to see how Jack conducted himself.

Mr. HOOKER. You are at liberty now, Miss Meeker, to proceed with your detailed statement from the point at which you left off.

The WITNESS (resuming). Jack told us several times, as they all did, how the fight commenced. Jack said that he met Major Thornburgh there, requested him to go back, and that Major Thornburgh told him that he would not go back. He said that Major Thornburgh talked very bad to him. It seems they got into a quarrel and Major Thornburgh told him that, if he wanted to fight, he [Major Thornburgh] was ready to fight them, and that as he brought down his gun, all of Jack's men sprang out and instantly Major Thornburgh and five of his men fell.

Q. (By Mr. HASKELL.) That is Jack's story?—A. That is Jack's story—well, that is the Utes' story; they all tell the same story. The conclusion that I drew from their story, while in camp, was that the soldiers had a good quantity of liquor at the time; that they were not expecting the Utes and had partaken pretty freely. And after I came out, I ascertained from a number of sources that the soldiers did have liquor with them; that they all carried it, and that two barrels of liquor followed them in. The Utes probably got their liquor that they had at the time of the massacre from the soldiers, because they did not get it at the agency; and I am sure that they did not get it at the stores, for I do not think that the stores kept any liquor at the time.

By the CHAIRMAN:

Q. From whom did you learn that the soldiers had this liquor?—A. From a number of parties who had seen the soldiers on their way in.

Q. Were those parties Indians?—A. No, sir; white men.

Q. Do you know the names of any of them?—A. Mr. Taylor was one, Mr. Peck was another, Mr. Mansfield was another, Mr. Clark was another.

Q. You learned of this afterwards?—A. Yes, sir; but I came to the

conclusion at the time, from the stories the Utes told me, that they had liquor in camp.

Q. Did the Utes tell you that?—A. The Utes did not tell me anything about it, but the liquor which the Utes had was all in those flat bottles, and there were no bottles of that kind about the agency at all.

Q. Proceed with your statement.—A. We camped there until Tuesday. We traveled all day on Tuesday and Wednesday, and on Saturday part of the day. Then on Sunday they camped. They were about to return, some 20 of them, to White River to see what the soldiers were about, when they suddenly discovered that the soldiers were approaching. A number of them had glasses, and they would get up on those high mountains and watch the progress of the soldiers for distances of 20, 30, or 40 miles. They would tell us just where the soldiers were and what they were doing; and every time the soldiers would advance they would move on. They became very much frightened, and therefore moved on. While we were camped some of the men would go out, be gone four or five days, and return with a lot of very fine horses and a quantity of ammunition, lead, &c., some canned fruit, and one thing or another, which, it was very evident, they had stolen or picked up from the stores around the Bear River and from stray stock. They would tell us that they had camped within a few miles of the soldiers, sometimes within half a mile of them—they had perhaps been watching them—and that the soldiers would never see them, as they understood the country and would keep hidden in those cedars. The country was thickly covered with cedars. Finally some 20 or 30, who had returned to watch the soldiers more closely, discovered that they were approaching, and some 10 or 15 miles out; whereupon they became very much frightened and started to travel all day. This was on Tuesday, as they afterwards told us. They told us almost everything that we wanted to know, as we then belonged to the camp. They then informed us that they were going to leave the squaws there on that river, and that if the soldiers pressed them they were all ready for a fight; that they would cañon them in some of those mountains as they had done before, 15 or 20 miles from water, and that they would stay on those high hills among the cedars, and would hold the soldiers there and would kill them. They felt confident that they could do this without any trouble. The two or three families in which we were they disposed of in this way: They took us off some 10 or 15 miles to a little creek called Plateau Creek, where, if they meant to fight or have any trouble, the soldiers would not find us at all. They meant to have us secure. It was at this point that General Adams found us, when we were released.

Q. Then you returned to the agency?—A. We returned to Los Pinos Agency.

By Mr. HOOKER:

Q. Please state in that connection how General Adams was permitted to approach the grounds.—A. On Monday night they told us that some Uncompahgre Utes had come in and that these Utes said there were some white men who were coming in the next day. They had previously told us—in fact they had told us this ever since we had left the agency—that there would be some white men after us. They said the white men who had come had promised to be back for us in five days from that first Sunday, the time at which they stopped the fighting, and as they did not come, they thought the white men did not want us; and, if so, they would keep us. Henry James and Co-ho, an Uncompahgre Ute, had gone a few days

before to see where the white men were; why they did not come after us, and what they were about. On the day before that on which General Adams came in, these two men returned and said they thought the white men would be in in the morning. The next morning about eleven o'clock I saw them coming over the hills, and as they passed near where I was, a squaw tried to cover me up with a blanket and keep me in the tent. She made so much fuss, however, that it attracted their attention and they halted. I pushed the squaw aside and went out, when General Adams dismounted, shook hands with me and said he had come to take me back if I would go. He asked where my mother and Mrs. Price were. I told him I thought they were in camp about half a mile from our camp, though I had not seen them for several days. He said he would go there and return in the afternoon and see me. He did not do it, however. The Indians and the whites held a council all the afternoon, when General Adams started for White River to see the soldiers at the Utes' request, so as to make sure that there would be no more fighting. In the evening Mrs. Price came for me, and I went over with her to Johnson's camp. We staid all night with her, and in the morning started for Uncompahgre. We had to ride forty miles on horseback to reach the place where the soldiers' wagons were. These wagons contained canned fruit and provisions of all kinds.

Q. (By Mr. POEHLER.) Was General Adams with you then?—A. He and Count Danhoff had gone on to White River. Upon reaching the wagons, we found that the Uncompahgres had been ahead of us; that they had divided out the blankets, eaten up the canned fruit, partaken of a bottle of whisky, and were having a good time generally. Of course they had no idea that we could ride through that distance in a day, and we much surprised them when we came in. We took the blankets away from them and shared of course in what they had not eaten. The next morning we started in wagons——

By Mr. GUNTER:

Q. Who now had charge of you?—A. Captain Kline, Mr. Sherman, the clerk, now agent at Uncompahgre, and Mr. Sanders.

Q. They were along with him when General Adams found you?—A. They were along with General Adams and returned with us, while General Adams and Count Danhoff went on to White River. We arrived at Ouray's house in the afternoon, after traveling three days. Ouray and his wife did everything they could to make us comfortable, gave us a room and did everything they could for us. On our way into Los Pinos we had seen the Indians appearing occasionally on the hills, and of course we did not know what it meant until we arrived at Ouray's. Ouray then told us that we had not been out of sight of his men since we had left the White River camp; that he had pickets around on all the mountains during the night while we staid there, and that he would see us out to the railroad.

Q. The pickets were for your protection?—A. Yes, sir. He and his wife were very kind to us indeed.

Q. I wanted to make some inquiry about the exact length of time that elapsed between the fight of the troops with the Indians and the massacre at the agency. The fight took place a little before the other, did it not? The fight commenced about eleven o'clock and the massacre began about one o'clock?—A. About one or half past one o'clock.

Q. Could you hear the musketry firing in the fight at the agency?—A. No, sir. The distance between the two points is about twenty-five miles. Our runner came down just previous to the massacre at the

agency, to inform Douglass and the men that Jack's men and the soldiers were fighting: Jack had gone up there before this with all his men. They were all hidden up there and everything was arranged for it.

Q. The fight actually took place before the massacre at the agency?
—A. Yes, sir.

By Mr. POEHLER:

Q. I merely wish to ask if you know how many warriors there were in both of the camps—Jack's and Douglas's?—A. I presume that of fighting men there were 150 to 175, not over 200, as there were not more than 200 or 250 warriors at the very furthest in the tribe; there being only about 800 altogether, counting men, women, and children.

Q. Do you know whether there were any Indians there except these Utes or White River Indians?—A. There may have been a few, perhaps half a dozen.

By Mr. HASKELL:

Q. Did you, at the White River Agency or on your trip south, or at any time prior to your release, see anything of any strange whites?—A. No, sir.

Q. Or in the camps?—A. No, sir.

Q. You heard of none?—A. No, sir.

Q. Did Ouray, when you met him, intimate to you that he knew this outbreak was going to occur?—A. He said nothing to us at all about the outbreak.

Q. None of his men were engaged in it unless they may have been among those half dozen you speak of. None of his men were prominent in it?—A. I think not.

Q. Do you know whether they had any communication with the Southern Utes?—A. After the massacre they had communication.

Q. But before?—A. We had occasional communication. We had more with the Uintah Utes. One Uintah Ute came to camp while we were in camp there.

Q. But you do not know whether there was any communication between Uintah Utes and the Southern Utes previous to the massacre?—A. No, sir; I only know that the Uncompahgre Utes visited our agency quite often and they made a great deal of trouble. Every time they visited there they would gather our Indians together and insist upon it that this thing of having them work was a sort of whim of the agent's; that it was he who wished them to work, and it was not the wish of the government that they should work; that the government had instructed the agent at their agency not to have them work; that it was against the regulations of the government to have them work, and that the government did not wish them to work. Whereupon there would be a council held for two or three days, a long talk would follow, and Jack would state his grievances, that the government did not wish them to work. During all the time that they staid there, perhaps for one or two months, Jack would induce all the Indians not to draw rations. It was something he did not like. He did not like anything the government wanted or anything the agent wanted.

Q. At the time your father was agent there, were the usual supplies of annuity goods and food received?—A. Yes, sir.

Q. And regularly issued?—A. Yes, sir.

Q. In any of these councils, did you ever hear the subject of any treaty stipulations or contracts with reference to the lands brought up

as a grievance among these Southern or White River Utes?—A. Yes, sir.

Q. That was discussed?—A. They discussed it when Mr. Stickney and Mr. McCaulay were up there for the purpose of obtaining their signatures. They did not come to any agreement, but those gentlemen promised those Utes that they should go to Washington.

Q. The White River Utes did not understand that they had completed any trade or anything like that?—A. No, sir; they were to go to Washington, but, when they were ready to go, they did not go, as the commissioners refused to take them; which made them very angry. They claimed they never sold any land, and when they learned that the Uncompahgre Utes could not get their pay for their land, it rather pleased them. They said it served them right. And as for goods, they had an abundant supply of everything.

Q. Then while the fact that the Uncompahgre Utes had some trouble with their lands, that, in your opinion, had nothing to do with the White River outbreak; they were rather tickled that those other fellows had been caught in a scrape?—A. Yes; they were tickled. I do not know of anything that the agent ever asked permission for at Washington or requested them to send him that was not sent on immediately. Farms and houses were provided for, wagons and everything of the kind forwarded.

Q. To your mind, judging from the evidence, it was because of the policy of the government, in its effort to civilize these people through the medium of agriculture and the resistance of the Indians to the enforcement of that policy, that the conflict between the Indians and the government arose?—A. Yes, sir; that was it exactly.

Q. In your opinion, the main cause of the outbreak was the effort of the government, through its agent, on the one hand, to induce the Indians to plow the lands, to learn to read, and to become civilized, and, on the other hand, their resistance to any such effort?—A. Yes, sir.

Q. And so far as concerns any allegation of harm done to the Indians in the withholding of supplies, the taking away of their property, or anything of that sort, the outbreak was entirely unprovoked on their part?—A. Entirely. They had no reason whatever to complain of any treatment from the government or from the agent. Before we came there they had not had their full supplies, but after we came, there was an abundance of everything if they would take it. But Jack, for weeks at a time, would refuse to draw rations and would not permit his Indians to draw them. Those who would work would be furnished extra rations; be paid \$15 a month and given other inducements.

By Mr. HOOKER:

Q. At what time did your father go to these Indians?—A. In May 1878.

Q. Who was his immediate predecessor?—A. Mr. Danforth.

Q. What is the extent of the pasture lands immediately around the agency?—A. I cannot tell you that, but I know that the whole country there is excellent for pasturage.

Q. I did not hear the first portion of your evidence, but I have understood from other members of the committee that you have alluded to the fact that your father had issued an order setting aside a strip of land for cultivation, and that an employé engaged in tilling the soil on that strip was set upon by the Indians and fired upon by one of them. Have you made such allusion?—A. Yes, sir.

Q. Was that the first outbreak that occurred under your father's

policy in carrying out the views of the Indian commissioners?—A. Yes, sir; that was the first.

Q. That was the prime cause, was it not, of the subsequent massacre and of the difficulty between the Indians and the troops?—A. That was the principal cause. There were a number of causes.

Q. Is the valley there, in extent, large or small?—A. When the digging of the ditch at the agency there is completed, I think there will be 3,000 acres that can be easily cultivated and irrigated.

Q. In the valley proper?—A. Yes, sir.

Q. The land which it was proposed to have broken up was immediately contiguous to the agency and contiguous to the buildings of the Indians?—A. Contiguous to only one.

Q. Only one part of it?—A. Yes, sir. But you will bear in mind that the Indians could at any moment move all that they had to move.

Q. Had they been in the habit of using this land as pasture land for any length of time?—A. They had been in the habit of leaving their horses to pasture wherever they wanted to leave them, but there was plenty of grass on the lands there.

Q. Was there plenty of arable land as good as that which had been selected by the agent?—A. No, sir; none so good.

Q. He selected the piece of land which he did select because it was good for that purpose?—A. Yes, sir.

Q. And the Indians objected to that because it was good, arable land, and they wanted it for pasture?—A. Yes.

Q. Do you know whether your father acted in that matter in obedience to the instructions of the Commissioner of Indian Affairs?—A. The Commissioner of Indian Affairs left the whole matter, as to what land he should plow, to his judgment. They told him to do anything that was possible to induce the Indians to farm. This piece of land was better adapted for that purpose than any other land in that immediate vicinity.

Q. Your father insisted upon converting these lands into arable lands and diverting them from use as pasture lands?—A. He did not insist upon it. The employés went to plowing the land.

Q. Did the Indians agree that he might make use of some other portion of the land?—A. They told him that if he wanted to plow, he could go some distance away from the agency, upon a piece of land which was covered with sage brush and grease-wood, which was far from water, and which it would take fully three months to grub out.

Q. About how far was this piece of land from the agency?—A. About half a mile.

Q. They agreed, then, that he could convert a piece of land into arable land at that distance from the agency?—A. Yes.

Q. Was this person of whom you spoke as having been engaged in plowing the land killed, when fired upon at that time?—A. No, sir.

Q. He was shot at, but not hit?—A. Yes, sir. He was killed, afterwards.

Q. He was one of the employés, and was subsequently killed?—A. Yes, sir.

Q. What portion of the land was it that your father was persisting in converting into arable land?—A. He wanted to plow about fifty acres.

Q. Was that in the immediate vicinity of the agency house?—A. Yes, sir. And it had to be near at hand in order that we might protect our crops, as without such protection the Indians would steal everything we could raise.

By the CHAIRMAN:

Q. These fifty acres, I understand, were in addition to the eighty acres he had already cultivated?—A. Yes, sir.

By Mr. HOOKER:

Q. They objected to his putting that into arable land?—A. Yes, sir.

Q. Did they not have a very angry controversy with your father in regard to this land?—A. They had several.

Q. Did not the attack upon your father grow out of that controversy?—A. There were several controversies about it; but Johnson, the Indian who made the attack, was not present when any of them occurred; and, when father resumed his plowing, Johnson came down and attacked him.

Q. You stated a moment ago, as I understood you, that to the Indians who were disposed to work, your father paid \$15 a month, and issued double rations?—A. Yes, sir.

Q. You stated also that Jack, for a time, refused to draw any rations himself or to let his men draw any?—A. Yes, sir.

Q. Was the reason of his refusal to draw rations or receive pay because he was dissatisfied with the effort on the part of your father to convert this arable land into pasture land, or was it simply because he would not work?—A. No; he refused because he was opposed to everything the government would do or say. It made no difference to him what the regulation that came from Washington was, whether anything about work or anything about the rations, he opposed it.

Q. Under what authority did your father pay this \$15 a month and issue double rations? Did an order to that effect come from the Interior Department?—A. Yes, sir.

Q. As you were upon the ground, and are conversant with all the facts, I will ask you to be good enough to state whether, in your opinion, the prime cause of the difficulty with the Ute Indians at that point was not the fact that these pasture lands which had been converted into arable lands were to be put in cultivation?—A. It was not so much because the lands were to be put in cultivation as it was for this reason—that the Indians could see far enough ahead to realize that they would be compelled by this course to adopt civilized ways. Johnson, after making the attack, made a speech to the Indians who gathered around. I could understand enough of what he said to tell what was the drift of it. It was to the effect that if the agent plowed there he would then want the Indians to work the lands; that he then wanted their children to come to school, and if their children came to school there would be more work for the Indians to do; that then they would have to build houses; and if they built houses and went to work, where, he asked, would their horses be. Every Indian, as you know, has twelve or fifteen horses.

Q. How many horses were around that agency?—A. I suppose there were two or three hundred there.

Q. You say that the Indians made no objection to cultivating lands half a mile distant from the agency, but that the agent would not cultivate such lands because they were uncleared and less conveniently located?—A. Yes, sir.

By Mr. HASKELL:

Q. How much land is available for pasturage purposes around that agency?—A. Any quantity of it.

Q. How many acres were comprised in the piece of land which it was proposed to take for plowing?—A. Fifty.

Q. Where did the Indians propose to send them to do the plowing—up among the sage brush?—A. Up among the sage brush and grease-wood.

Q. Upon land easy to cultivate or hard to cultivate?—A. Hard to cultivate.

Adjourned.

WASHINGTON, *January 29, 1880,*

FREDERICK W. PITKIN sworn and examined.

By the CHAIRMAN:

Question. Please state your residence and position.—Answer. My residence, prior to my election as governor, was at the town of Ouray, in the southern corner of the State of Colorado. I am now governor of the State, and my residence during my term of office is at Denver, the capital.

Q. This committee have in charge the investigation of the recent Ute outbreak, and we have called you here to give us any information which you may have on that subject, which you will please give us in your own way—everything connected with it that you may know.—A. In the month of May last, reports reached me that a body of Indians, under the command of Antelope and Yomini and Bennett, had left the Indian reservation and gone into Middle Park. I would like to show the members of the committee where Middle Park is on the map with reference to the location of certain towns. It is 50 miles east of the nearest point on the reservation, and by the ordinary traveled roads it is about 100 miles, and from the White River Agency it is at least 150 miles by the ordinary traveled route, and it was from the White River Agency that these Indians came. This band of Antelope's reached Middle Park and began at once to order out the settlers from the park. They told them, some of them, that they would give them one sun, which means one day, and others that they would give them two suns, which would be two days, to leave; and told the settlers that unless they left they would kill them. They began to set fire to the forests, and to kill game indiscriminately. They were at that time 150 miles by the road ordinarily traveled from the agency, and 100 miles by the road ordinarily traveled from the nearest point on the reservation, in the county of Grand, and quite near the center of the State, drawing a line from north to south.

Q. Did they lay any claim to this territory from which they were driving the settlers?—A. I do not know what claim they make to it. It is at least ten or twelve years since that country was ceded to the government by the Indians, and it has been settled by whites for ten or twelve or perhaps fifteen years. They ordered every one out indiscriminately, as I understand, all white settlers out of the park. They went to a mine on Red Dirt Gulch and ordered the miners out of that mine; they went to a mine on Ruby Gulch and ordered the miners out of that mine. The miners had lived in that country for a large number of years, and they concluded that they would not leave. These Indians started fires then on both sides of the gulch, with a view of burning the miners out, and after remaining for one or two days the miners concluded that they would not risk their lives any longer and abandoned the mines. The names of some of these miners are W. McQueary, Alonzo Coffin, Mr. Erhardt, Mr. Thompson, and Mr. Miller of Hot Sulphur Springs, who resided there at that time, and I presume are there now, and could be called as witnesses on this point if you desired. The Indians told Mr. Frank Byers, who has been for many years a resident of Hot Sulphur

Springs, that unless the people left there they would kill them. They destroyed a very large number of antelope. The people of Colorado are very anxious to preserve what little game they have left, and they have passed laws which have been in force for several years making it a serious offense to kill antelope, or deer, or any game of that species between the 1st day of January of any year and the 1st day of September; but they killed large numbers of antelope. Mr. Byers tells me that he has seen twenty antelope killed in one place and left without anything being touched; they killed them without even taking off the skins or saving any part of the game. It was apparent that it was done through malice to deprive the white people of the benefit of the game. About the time when Antelope's band entered Middle Park another band of Ute Indians under Colorow, entered North Park, which is directly north of Middle Park, and at least 50 miles from the nearest point on the reservation, and over 100 miles by any traveled road from the White River Agency. These Indians in the North Park, under Colorow, adopted the same course of intimidation of settlers which Antelope's band was carrying out in the Middle Park. They set fire to the forests and burned immense quantities of timber around that park; they burned off the grass nearly altogether from the park, and ordered out the miners and ranchmen, and threatened to kill them unless they left.

Q. Please state, at this point, what opportunities you have had of knowing these facts.—A. I will do that before I leave this subject. Mr. William Thompson, of Hot Sulphur Springs, who was then stopping in the North Park, reports that the Indians would stay a few days in a place, and kill all the game they could in that locality; then they would set everything on fire near that neighborhood, and move to some other locality, where they would go through the same performance. Mr. John K. Ashley, a United States surveyor, was sent by the government into the North Park with eleven other persons, making a party of twelve, to carry on government surveys. He reached the north end of the North Park, and had been there but a short time when the settlers began to stream by him on the way out of the park. They all told the same story, that the Indians had come to them, had told them if they did not leave they would kill them, and although these parties that went by him were well armed, they did not dare to remain, for fear they would be killed. He informed me that about forty well armed miners and ranchmen passed him on the road where he was making a survey, with the same story. There are other roads, and how many went out by those other roads I have no means of knowing; but Mr. Ashley said that the mountains were on fire all around him, and the grass on the prairies was on fire. He was unable to control his men, and they went out with the others.

By Mr. WADDILL:

Q. Could you tell about how many Indians came into those two parks under those chiefs? How many came to North Park?—A. I do not know the number.

Q. Can you not approximate the number?—A. I cannot approximate the number, but Mr. Ashley informed me that this number of miners and ranchmen that passed him were all afraid that they would be killed unless they left. My information, which I have just given the committee, is derived from many sources. During the latter part of May, or early in June, I received letters from some of the settlers informing me that the Indians were at that time in the Middle Park. Mr. Byers, the postmaster of Denver, who has lived for a long time at Hot Sulphur Springs, and is interested in considerable property there, was constantly

receiving letters from that locality informing him of the outrages that were being perpetrated by the Indians there, and he frequently brought those letters and exhibited them to me. Parties from that locality also came to my office, either alone or with Mr. Byers, and laid this state of facts before me. Some time in June, after being fully satisfied that there could be no question that these Indians were burning the country and destroying the game, I wrote to Agent Meeker, advising him of the facts and requesting that he should at once institute measures to get the Indians back on their reservation. In the course of a week or two the reports that reached me were very much more alarming than those I had at first received, and I wrote him a second letter, detailing what was being done by the Indians, and repeating my request that he would institute proceedings at once to get those Indians home. Surveyor-General Campbell informed me that his surveyors had been driven out of the North Park, and a gentleman whose name I do not now recall, but who was brought to my office by Mr. Byers, came in on the 5th of July and described the country that had been burned over. He said that the whole range of mountains called the Gore Range, located a long distance from the reservation, was entirely on fire and nearly burnt over, and that those fires were getting beyond the control of the people; that the damage which was being done to the forests and the game of the State was so enormous that it could hardly be estimated. He also informed me that one man had counted in the space of a mile in one park over 180 dead antelope which had been maliciously destroyed by the Indians. He detailed other outrages which had been perpetrated by them, and I at once telegraphed the Commissioner of Indian Affairs, advising him briefly of these immense forests that had been burned by the Indians, and the intimidation of the settlers, and requested him to have some troops ordered from the nearest military post to protect the settlers. That was on the 5th of July. On the 7th of July I received the following telegram from E. T. Brooks, Acting Commissioner:

WASHINGTON, July 7.

Information of about 20th ultimo from White River Agency reports Indians all present and at work. Have telegraphed agent to ascertain if any one absent, and, if so, to compel return to reservation immediately, calling on the military authorities if necessary.

E. T. BROOKS,
Acting Commissioner.

That dispatch I received on the 8th of July, and on the same day, either before or immediately after, I received the following letter from Agent Meeker:

WHITE RIVER AGENCY, July 2.

HON. F. W. PITKIN,
Governor Colorado:

SIR: Yours in regard to the hostile attitude of my Utes in North Park is received. There is no sort of necessity for their being away from their reservation, for I have on hand 700,000 pounds of flour, while if they went to hunt there is a vast region to the south. The lack of a store at this agency tends to draw them away, but there can be none because the keeper could not sell ammunition. But it seems it can be sold anywhere off the reservation, and, though contrary to law, nothing is done to stop it, notwithstanding I have reported the case at every quarter where I thought anything could be done. I shall have Douglass send on to recall his band; the rest are subject to nobody, and as the commander at Fort Steele pays no kind of attention to my repeated requests to keep the Indians off land that does not belong to them, I do not see where my power comes in, for, of course, I have no jurisdiction off the reservation.

It seems to me that so long as the Indians are permitted to go off the reservation, and are permitted to buy ammunition and, undoubtedly, spirits, great obstacles will be presented in civilizing them and in establishing any kind of industrial habits. Not much is to

be expected from him at best, but I am satisfied if he can not be restrained by force his rambling habits will remain unchanged, and the final result will be an inevitable conflict with the advancing white man. *I wish you yourself would appeal to the military, and I hope you will have better success than I have had.*

Respectfully,

N. C. MEEKER,
Indian Agent.

On the receipt of that letter and the dispatch from Mr. Brooks I replied to Mr. Brooks and telegraphed him the substance of what Agent Meeker had written to me under date of the 2d of July, and again informed him of the immense forests that were burning, and repeated my request that he would institute measures immediately. I stated in that dispatch that Mr. Meeker desired troops sent, and asked me to use my efforts to secure troops to get the Indians home. Before sending my first dispatch to Agent Meeker I had written him twice and received no reply, and this letter which I have just read was the first reply which I had received to either of those letters. I desire to state here before going any further, that among the parties driven out of the North Park, who I have been advised are entirely reliable men, are William Swann, of Cheyenne, who had a herd of cattle and got out; Joseph Forester, of Corlett, Colo.; George Houston, of Corlett; and Thomas M. Fisher, of Cheyenne, who was in charge of a mining party in the North Park, and was driven out with his entire party. In addition to those men that passed out by the road where Mr. Ashley, the surveyor, was, I am informed by Mr. Frank Byers that he saw, at Hot Sulphur Springs, on their way out, a party of about twenty men who went into North Park to mine and came out through South Park, they also having been driven out. The fires were burning during the early part of the summer in many places, wherever the Indians wandered, off their reservations and near their reservations, from Wyoming to New Mexico. There were immense fires in the counties of Ouray, La Plata, and San Juan. The extent of the fires in San Juan County was so serious that, when the grand jury met at the summer term of court (I think it was in July), they reported to the court, as a matter that required attention on the part of the authorities, the fact that the Indians had been burning immense forests in that county, setting fires off the reservation and burning up large tracts. There were large fires also in Gunnison County, Chaffee County, and in parts of Summit County, which I have been advised were set by Indians. I was informed that wherever a band of Indians roamed through the State, off the line of the reservation, the fires followed them. They left behind wherever they went scarcely anything but a trail of fire. Mr. H. A. Terpening, the county assessor of the county in which the State capital is located, informed me that he was passing from San Miguel to the town of Ouray when he met two Indians on the trail. About five minutes after passing them he came to where two fires had been started which had just got under full headway, and he said that he saw those fires burn a very large forest. He met no white men, no parties except Indians, within a long distance of that place, and he had no doubt at all that the fires had been set by those Indians as they passed along. Large fires also burned at various places in Routt County; but Major Thompson, who is to be examined, is entirely familiar with that country and can describe the nature and extent of the fires much better than I can. Fires were also burning at Hahn's Peak, near the northwestern corner of the county, which came near destroying, if they did not destroy, considerable mining property,

dams, sluices, and things of that kind. There has, apparently, been an effort and a determination on the part of those Indians for many years past to drive the settlers out of the North and the Middle Parks and that region of country. They have made raids in former years, although I think they have never burned as much timber in former years as during the present year. They have never pretended to remain on their reservation.

Q. Was that the object of setting fire to that country, to drive the settlers out?—A. I think there were two objects. One object was to get the game into the parks in order that they might destroy the game, and the other to destroy the timber; as they know that the timber and the game are very highly prized by the white people. That is my belief on the subject.

Q. You think both objects were sought through malice?—A. That is my idea.

By Mr. DEERING:

Q. I notice that they seem to have concentrated upon those parks and in that portion of the country. Was there any special reason for special malice in connection with that country or the settlers there?—A. Well, they have wanted that country, as I have understood, for the past ten years, and have been determined to regain possession of it.

By Mr. WADDILL:

Q. Are these parks counties, or simply regions of country?—A. They are surrounded by mountains. The theory of them is that they were immense lakes, and that by a great upheaval the whole country was thrown up, and the sides of the lakes became mountain ranges, and the bottoms of the lakes became these parks, which are capable of producing the very finest kinds of grass.

By Mr. GUNTER:

Q. Are those parks low grounds adapted to agriculture?—A. A "park" is a level tract of ground, or perhaps undulating like a prairie, surrounded by high mountains, and it is precisely the country you would expect to find if large lakes, to a great extent, were thrown up with the surrounding country, so that the borders of the lakes would be mountainous, and the bottoms would be these parks. There is a good deal of timber growing even in the parks, but the most of the timber grows on the mountains surrounding them. I have never been in the Middle Park or North Park, but I think their general character is prairie-like agricultural land, interspersed with timber.

By Mr. DEERING:

Q. There is no limit to those parks, so far as surveys are concerned, nothing but the mountain borders?—A. They are bounded by the mountains, but they are surveyed like other tracts of government lands. They are part of the public domain, and are thrown open for entry by miners and settlers by sections and quarter sections and in other manners according to law.

By Mr. WADDILL:

Q. Sectionized?—A. Sectionized.

By Mr. DEERING:

Q. Are the Indians, or were they at that time, asserting some claim to that country as a justification of their action?—A. I think that for some years past they have constantly said that they were going to get that country back; that it was Ute country, or something of that kind.

Senator TELLER. They never owned it ; it was Sioux and Arapahoe country until 1865, when we had the war with those Indians and the Sioux were driven out, and then the Utes took possession ; but whatever rights they had were ceded to us in these treaties that were made in 1868, so that if they ever had any right they have parted with it.

The WITNESS. This Ute Reservation can be called a reservation only in the sense that whites are not permitted to go on it. The Indians do not stay upon the reservation. No portion of the tribe, so far as I have heard, pretend to remain on it or feel under any obligation to stay there. The Indians from the three agencies wander off as it suits their pleasure ; they wander through every county of Colorado ; they are gone sometimes two months, and sometimes four months, and sometimes six months, leaving their old people and their children on the reservation ; they have been at liberty heretofore, and have enjoyed that liberty to go wherever they pleased, in any part of the State, hunting in counties where there is game and wandering through counties where there is no game. They have no homes on the reservation in the sense in which white people have homes. At the Uncompahgre Agency, where Ouray lives, there is but one house occupied by an Indian, and that is the house occupied by Ouray himself, which was built, as I understand, either by government or Mexican labor. It is a small adobe house. The balance of the Indians live in what they term teppes, little wigwams built of poles resting on the ground, and connected at top, and covered either by skins or white cotton sheeting or bushes piled up to keep the cold out. They take them down in the morning and put them up at night wherever they happen to be, and wherever his teppe is is the home of the Indian for the time being. I have seen these teppes scattered all through the southwestern part of the State, even near Denver, and in Fremont County. Wherever I have traveled in the summer I have seen the Indians with these teppes with large bands of ponies and with large numbers of children. They have a habit, especially in the North and Middle Park, whenever they travel along, of turning their ponies into meadows. They seem to have no idea of the rights of white people to their grass, and complaints have been made in various portions of the State, but especially this year, in the Middle Park, of their turning their ponies into the meadows before haying, destroying the grass and tearing down the fences when they take their ponies away. I was informed at the Uncompahgre or Los Pinos Agency that an agent of the Interior Department was there this summer to induce the Indians to settle down on land, taking it in severalty ; that he urged upon them the fact that these large reservations could not be continued a great while longer ; that settlements of white people were coming in so fast it would be impossible for the Utes to retain their large reservations ; and that it was best for them to take lands which they could call their own, build houses, and live like white people. The agent there informed me that various Indians made objections. The conversation between this department agent and the Indians lasted through several hours, and finally it was brought to a close by a speech from Ouray, who said that his tribe entertained a belief that no person should live in a house where any one had died ; that that was a part of their religion, and it would be impossible for them to build houses, because when the first death occurred it would necessitate the destruction of the house ; and I was informed that inasmuch as the final objection by the principal chief was based upon religious grounds, the agent of the department was of the opinion that it would be useless to attempt to combat this religious belief. So they build no homes in the sense in which white people build homes,

But they wander about with their teppes, and families, and ponies, and either on or off the reservation, as suits their pleasure. I am aware that these statements are somewhat in conflict with the ideas generally entertained at the East, and with the permission of the committee I would like to refer to some official documents in connection with the subjects to which I have been testifying. I will read first an extract from the report of Agent Meeker to Commissioner Hayt, dated July 7, 1879, as follows:

The great bulk of the Indians, or at least half of them, went over to the valleys of Snake and Bear Rivers last fall and have not returned. They have greatly annoyed the settlers by letting their horses run on their meadows and uplands, and by burning their timber, especially valuable in this almost treeless region. About two months ago many of them who remained here during the winter went off hunting, and I have had reports of their trespasses in Middle Park and elsewhere, though I positively forbid their going. An employé, H. Dresser, accompanied by Douglas, the chief, has now gone to Middle Park to bring them back, and as they belong to Douglas's band they will probably come.

Another collection of several bands, acknowledging no chiefs, is in North Park, threatening the miners and ranchmen. Whether the commandant at Fort Steele will pay any attention to my request to drive them out of the park is doubtful, as hitherto he has paid no regard to my requests. Among these Indians in North Park are the worst ones of the whole tribe. Some are well known as horse-thieves, and they include the "Denver Indians," all bad lots, and it seems to me inevitable that conflicts with the whites will result sooner or later. A most unfavorable characteristic of these Indians off the reservation is the burning of timber and their wanton destruction of game, and simply to get the skins. Even the Indians who stay near the agency have no regard for timber, and during the last six months not less than 50 acres of choice timbered groves in this valley have been fired and as good as destroyed. My protests and endeavors have no effect, for even small boys, with a match, can set fire to dry brush and grass on the edge of timber, which, in a short time, is beyond human control. This lack of ordinary economy, this total disrespect for values in the natural resources and wealth of the country, are disheartening to contemplate.

I will also read Agent Meeker's report to Commissioner Hayt, dated July 15, 1879, as follows:

WHITE RIVER AGENCY, COLORADO,
July 15, 1879.

SIR: Your telegraph message of the 7th instant was received on 11th, lying over two days at Rawlins, directing me to cause the depredating Utes to vacate Middle and North Parks. But I had reported to you previously, and had sent, about 5th instant, a trusty employé, taking along Douglas, who reached Hot Sulphur Springs, 150 miles, in four and a half days, and they returned yesterday, after an absence of ten days. The settlers all along the route were rejoiced at the effort made, and few or no charges were made for entertainment. The Utes immediately vacated Middle Park, and a runner was sent to Middle Park and Harris Park, and I understand now that park has also been vacated, and that the greater part of the Indians are now on Bear River, near the trading stores, some of them begging food. Mr. Draper, the employé, told the women not to give them anything, as there were abundant supplies at the agency; but they did give, probably through fear.

So far as I can gather, several hundred antelopes were killed in Middle Park, for two Indians had each about fifty skins, and of course they could not use the meat. They also killed three bison, which may be called a mountain buffalo. A few years ago there were some two dozen of these animals in the park, and the settlers have all refrained from shooting them, as they held them both as a curiosity and an attraction, but the Indians have killed them off so that now there are less than half a dozen. At the time Mr. Dresser arrived the settlers were getting ready to attack the Indians and drive them out; thus bloodshed has been avoided. Mr. Dresser reports that fires followed the Indians on their return, about 100 miles, and within 30 miles of this agency.

In many parts of the Bear River Valley, and all the way up to its head, in Egeria Park, the country is well burned over. At Hayden, where reside the families of Smarts and Thompson, the fires were so near the houses that the women, whose husbands were away, were on the watch two days, and carried their household goods to a place of safety. The grass range on which their cows and cattle fed is destroyed. I have previously reported to you that the Indians are destroying timber everywhere; last winter something like 100 acres of beautiful cottonwood groves were burned, close to the agency. Their object is to get dry wood next winter. At the present time, the timber on the mountains, north and south, is burning; and our valley is filled with smoke.

These fires are built to drive the deer to one place, that they may be easily killed, and thereby the destruction of pine, cedar, and aspen is immense, while the fire runs in the grass; even the range, which we largely depend upon for winter grazing for the cattle, is badly burned over, and unless the long drought of two months or more is soon broken by rain, this grass cannot be restored.

As you may easily suppose, this practice of the Utes enrages the settlers, and, unless it is stopped, bloody vengeance is sure to be taken. I am doing all I can to stop these fires, but the Indians attach no value to timber, and do not hesitate to set any forests on fire to get at a little game. The habit has been long established, and they cannot conceive why timber is more useful than water or rocks.

They are now gradually drawing toward the agency, so as to be on hand at the yearly distribution of annuity goods; after that they will depart, and roam over a country as large as New England, where settlers are struggling to make new homes, and the Indians think it all right, because they are, as they boast, "peaceable Indians."

Respectfully,

N. C. MEEKER,
Indian Agent.

Hon. E. A. HAYT,
Commissioner of Indian Affairs, Washington, D. C.

I read also extracts from a letter of General Pope to Colonel Whipple, Assistant Adjutant General to General Sheridan in Chicago, dated September 13, 1879, as follows:

The letter of Indian Agent Meeker has been copied and retained, and will be acted on as far as it requires action and the means at my command admit.

I had a conversation with Mr. Meeker in Colorado last month, on the subject of these Indians, and I only regret that he did not in the present communication relate all the facts concerning that band of Utes and their agency and conduct which he told me.

Such a relation as he made to me would of necessity have an important bearing in determining the measure which ought to be promptly adopted in their case.

The White River band of Utes is in no sense different from the other bands of that nation. They are worthless, idle vagabonds, who are no more likely to earn a living where they are by manual labor than by teaching metaphysics.

As to the depredations of these Indians away from their reservations, I have only to say that no Utes in Colorado that I know of are kept on their reservations, except when they choose to stay there. Indians in number from every band in the State are perpetually roaming about, annoying lawful settlers and burning forests, besides killing cattle at times and turning their horses into the pastures of the settlers in Middle Park and elsewhere.

I have been compelled to keep a cavalry company every summer scouting in such well-known places of public resort as the South and Middle Parks, as a sort of police against these wandering Indians.

It is a great injury to the Indians, to the people of Colorado, and to the government, every day, that things are permitted to run on as they have been and are now.

I have received letters from several of the settlers in that region who have been molested by individuals of the White River band, and who have taken out warrants against the individual Indians and placed them in the hands of the sheriff for that county to issue. They ask me for troops to serve as a posse for the sheriff, which, under the law, I am unable to furnish.

Upon the point of these Indians having been guilty of these depredations in former years, I would like to read an extract from the report of Capt. Charles Parker, of the Ninth United States Cavalry. He had been sent to examine into the conduct of these Indians at the White River Agency, and the condition of the reserve. The report is dated September 6, 1877, and reads as follows:

Settlements within fifty miles of the reserve mentioned in the accompanying report occupy a great deal of their favorite hunting-ground, particularly Bear River. They desire it for summer herding and hunting, and consider all settlers upon it as trespassers.

The chiefs, Colorado, Jack, and Pioh, with their bands, rove about among the settlements, and are frequently impudent and threatening to all those they dislike who refuse to give them what they ask for. These Indians have done nothing worse, so far, in the settlements than burn up the grass and timber, a few hay-stacks, and destroy the game, empty cabins in the time inhibited by law, and generally to intimidate all

those settlers whom they dislike. There is no doubt but these acts retard the settlement of the country, and that the presence of troops in summer would materially facilitate it. The people are all anxious to have a military post established near them.

Routt County has some of the finest grazing land in the whole State, and it has one or two fine mineral camps; but the annoyances to settlers have been so great in former years that there are now only a few settlers left in that county. At the election in October of last year, only ten votes were polled in that county, but the number was diminished to that extent on account of the peculiar excitement following the outbreak which occurred just previous to that time. The settlement of the North Park and of the Middle Park, has also been retarded, and those parks have been almost depopulated from the constant raids which these Indians have been making for many years past. New settlers going in who are unused to the Indians cannot be induced to stay there for any consideration, and those who remain are only a class of frontier-men who have been familiar with the Indians for a long time, and are willing to take the chances on their lives. If it were not for the depredations of those Indians over this country, so remote from their reservation, there would be undoubtedly very fine agricultural and grazing settlements in those parks, and large mining operations around them.

I read also a petition addressed to General Pope, dated August 30, 1877, as follows:

HOT SULPHUR SPRINGS, COLO.,
MIDDLE PARK, GRAND COUNTY,
August 30, 1877.

DEAR GENERAL: We, the undersigned, citizens of Middle Park, Grand County, Colorado, would respectfully represent to you that we are living on the frontier, on the confines of civilization, as it were, miles away from any military post, and without adequate protection from the roving and unprincipled bands of renegade Ute Indians which monthly visit this section without license or permit, contrary, we are informed, to the laws in this case made and provided by the government.

We would respectfully represent that these bands of renegade Ute Indians properly belong to the White River Indian Agency, in Western Colorado, but spend more than two-thirds of the year *off their reservation in our country*, purposely slaughtering our game indiscriminately and driving it into remote districts as far away as possible from the white settlements—slaughtering this game at all seasons on the white man's territory, when a white man is not allowed to kill a pound more than he can use to sustain life, while at the same time it is a notorious fact that game exists in abundance within the limits of the Ute Indian Reservation; and yet a white man cannot trap or hunt, or even cut a stick of wood on the reservation without asking some petty chief's permission or running risk of being scalped and murdered.

We would respectfully call attention to the fact that these same Utes yearly set fire to the forests in this park, thereby causing immense destruction of the finest pine timber in the State, which is of incalculable value to all, and should be preserved; and these fires often burn up hay-stacks and cabins; and sometimes, in the owners' absence the Indians burn the cabins in the more remote parts of the settlements hereabout. They repeatedly threaten to kill our settlers here if they do not *go out over the range and stay out of Middle Park*, and frighten tourists and others who peaceably visit this section for health and recreation, retarding by their presence and menaces, the settlement and development of Northwestern Colorado.

In consequence of the inadequate protection at present afforded us, and in consideration of the foregoing facts herein set forth, we, the undersigned, citizens of Grand County, Colorado, respectfully request that, if it is your pleasure and in your power, you station a company of cavalry at Hot Sulphur Springs, or some other suitable place in Middle Park, permanently, or so long as may be deemed necessary, believing that trouble will surely be averted thereby, affording protection to the citizens in this

region, and keeping the Indians on their reservation; and your petitioners will ever pray, &c.

JOHN H. STOKES,
Representative from Grand County.

CALVIN KINNEY.

JAMES WAGSTAFF,

Postmaster at Hot Sulphur Springs.

J. G. SHAEFFER.

W. S. CHAMBERLIN,

County Clerk.

T. H. JOHNSON, *Sheriff.*

JOHN KINSEY, *Assessor.*

THOS. J. DRAU,

County Judge, late Captain Fifth Michigan Cavalry.

WILLIAM N. BROWN,

County Treasurer.

MONROE C. WYTHER,

Commissioner.

WILLIAM H. GARISON.

W. C. MEELEN,

County Commissioner.

C. LUKE KINNEY.

JAMES O. KINNEY.

F. M. BOURN.

H. BOOTH.

CHAS. F. BIXBY.

URBAN BLICKLEY.

M. BESSEY.

JOHN WESTEMORE.

JAMES R. MOSS.

WM. E. WALTON,

Steamboat Springs.

FRANK A. McQUEARY.

GEOG. E. HUDSON.

DAVID BOCK.

WILLIAM REDMAN.

DAVID PORTER.

DAVID GARDNER.

EDWARD C. HALTON.

C. W. ROGER.

WM. E. KINNEY.

C. A. KING.

THOS. WALLACE.

CHAS. S. WISE,

Bear River Route Country.

WALTER McQUEARY.

H. W. SHILLY.

W. O. BULL.

General JOHN POPE, U. S. A.,

Commanding Department Headquarters, Leavenworth, Kans.

These are men of known standing and honesty in that community, and entitled to be believed in any statements they may make in regard to any matters within their knowledge.

In July after communicating with Washington by telegraph, as I think I have heretofore detailed, I went into the San Juan country in Southwestern Colorado and was gone a few weeks. I returned in August, and shortly after my return to Denver I was visited by a delegation of the White River band, Captain Jack (who was afterwards the leader in the Thornburgh fight), Uncomgood, Manechewap, and Sowerwick. Captain Jack and Sowerwick are two of the chiefs who have been recently in Washington. All these belong to the White River Agency. Captain Jack was the spokesman of the party. They remained in my office the first day between one and two hours. There were present during the entire interview, Mr. W. N. Byers, the postmaster at Denver Mr. A. J. Woodbury, one of the editors of the Denver Times, and Mr.

W. B. Vickers, my private secretary. There were a large number of other people going in and coming out and present at part of the interview, but those three gentlemen and myself were present at the entire interview. Jack said that he and the chiefs come to Denver to secure my aid in obtaining the removal of Agent Meeker. I asked him for what reasons he desired Agent Meeker removed. He stated that the agent had a school at the reservation and was trying to have the children go to school; he said they did not want their children to be educated; that they wanted them to grow up and hunt as they had done, and they did not want any school; he said that Agent Meeker was killing the beef cattle at the reservation. He wanted him to buy new cattle and let the Indians have the herd which was then there. I asked him if the herd did not belong to the government, and he said no, it belonged to the Indians. Captain Jack had been one of the delegation to visit the National Capital during the administration of President Johnson, and he (and, I think, one of the other Indians) wore a silver medal with a medallion of President Johnson on his breast. I told him that I understood that years back, and I believed it was in the time of President Johnson, the government, instead of buying the cattle as they might be needed, in lots, advertising for cattle to be furnished from time to time to supply the Indians, thought, on account of the fine grazing land there was there, that it would be cheaper to invest a considerable amount of money in cattle, and buy a sufficiently large herd to have the agency self-sustaining as far as meat was concerned. He made no direct reply to what I stated to be the fact, no more than to repeat that those were Indian cattle; that Meeker was killing the cattle to feed them; that he should turn them over to the Indians, and should buy the cattle as they bought them at other agencies, as they were needed from time to time. I asked him what good the cattle would do the Indians, and of what use cattle were anyway, if they were not eaten, and he said that the cattle belonged to them and they wanted them. He said Agent Meeker was trying to get them all to work, and wanted to educate them and compel them to work; he said he was plowing around and wanted to have them help to put in crops and go to work like other people. He said, "Indian no work; Indian hunt; Indian no want to work," and he went on to state in various phraseology, in his broken English, that the Indians wanted to hunt as they had always hunted; that they wanted their young men to hunt; that they did not want to work, and would not work. He pointed to me and said, "You no work"; he pointed to Mr. Byers and said, "He no work," and he straightened himself up and put his hand on his breast and said, "I no work." I said to him, "Perhaps you would be willing to be a governor or a postmaster, wouldn't you?" And he said "Yes." I told him that I understood there were very rich mines on the reservation in the Elk Mountains and in that neighborhood. A part of the Elk Mountains are in the reservation; a part runs off the reservation, and in that part there are a large number of miners. I asked him if the Indians would not work the mines, dig for gold, get out money and get rich as white men did; and he said, "No; we will not mine at all." I asked him if they did not want to have homes like white people, and have their families together in their homes, and he said no, they wanted to live as they had always lived. Then I took him up to a large map in my office where the reservation is defined, and traced out where Grand River was and where the Gunnison River was, pointed out the White River Agency at the north and the Los Pinos Agency at the south, and pointed out the Elk Mountains and asked if the Indians would not be willing, inasmuch as they were

unwilling to take the ore out of the mines themselves, to let the white men go over there and dig the ore out. I said, "The more silver there is in circulation the more the Indians will get as well as the white men. If the white men are rich, Indians will get more money." He talked with the chiefs for some time and finally gave no answer at all or an evasive answer. I think the final answer he gave was that they had no right to consent to white people going in there. While speaking on the subject of work, he said that Indians would not work, but squaws would work a little; that he considered it proper for the squaws to work a little, but that the Indians themselves should not work at all. During that conversation I asked him if Father Meeker did not give them their rations regularly. He said that he had no complaint to make on the ground of Mr. Meeker withholding rations from them; the only complaints he made against Mr. Meeker were in relation to schools, to the herd of cattle, to plowing land, and to his efforts to induce the Indians to labor. There was no complaint made that there was a white man trespassing upon the reservation. There was no allusion made by him to the fact that any white man was on the reservation, nor any claim made that a white man had been on the reservation in violation of the terms of the treaty.

By Mr. DEERING :

Q. There was no complaint made of the miners?—A. There was no complaint made that a miner had gone on the reservation. The fact was talked over that the miners were on the line of the reservation in the Elk Mountains, and how near they were, and I told him that there were rich mineral lands there, and the miners could not be kept off long, and asked his consent to have them go in, which consent was not given. I told him about the Indians burning this large amount of timber through the North Park, and in the Middle Park, and in Routt County, but I got no satisfaction out of him. It is a peculiarity of Indians that if they have done anything wrong, and you talk with them about it, they will not talk, and he would not talk with me on the subject at all. The most that I remember that he said was "Bennett burn some timber," but he gave no explanation. I told him how much the white people thought of the timber and the game, and how much they desired to preserve it, and that it was very wrong for the Indians to be destroying the timber and the game; but you can't talk with an Indian unless he wants to talk, and during this interview sometimes they would sit still for five minutes and not say a word. It is impossible to sustain a continuous conversation with an Indian. If they feel like talking they will talk, and if they do not they sit still for five or ten minutes, and then resume the conversation by an abrupt question.

By the CHAIRMAN :

Q. Did they claim the right to go off the reservation?—A. I do not think he said anything about their rights in the premises. As the number of witnesses you are calling is so limited, I would like to read the account which Mr. Woodbury, who was present during the whole conversation, wrote for his paper, the Denver Times. It is what he would swear to if he were here, and it may give the committee an idea of his impressions.

FATHER MEEKER AND THE INDIANS.

A large number of papers in the country, notably those published at a distance from the scene of the late White River tragedy, and many people within the range of such papers, continue to reiterate, and possibly believe, that Mr. Meeker had been guilty of

monstrous conduct, which exasperated the Indians to murder him, and that they were also goaded on by the encroachments of the whites upon the reservation.

The Times has frequently called attention to the visit of the four White River Ute chiefs to Governor Pitkin last August, on which occasion they poured into his ears all their grievances, and made known their wants, the wants exceeding the grievances by a large majority. This interview occurred on the 14th of August, and lasted about two hours, and was repeated two days later, but no new matters were suggested at the second session, the Indians having told the whole story at the first. Upon each occasion a representative of the Times was present taking notes, and the points are reproduced, in the hope that the country will at length recognize the fact that Mr. Meeker had not treated the Indians unkindly, nor had our people encroached upon the reservation.

The four Indians consisted of Ute Jack, who is supposed to have been the leader in the battle of Milk Creek; Sow-er-wick, who won distinction as an unmitigated liar by his testimony before the peace commission at Los Pinos; Man-e-che-wap, and Uncum-good. Jack was the leader of the party, and, being able to talk English, was the speech maker. The utterances of the others consisted of a series of guttural grunts. The Indians requested that Governor Pitkin should write to Washington and procure the removal of Agent Meeker, whose offense consisted in plowing the soil and establishing a school, stating that they did not want their children taught reading and writing, but wanted them to hunt. Having disposed of this, which concluded their list of grievances, they made known their wants.

They wanted the government to give them oxen, wagons, and horses—"not little hors s, but great big horses." They also wanted the cattle from which their beef was supplied turned over to them, and beef bought for immediate use. The occasion of this deep-felt want was the fact that Mr. Meeker, endeavoring to carry out the wishes of the government and make the agency as nearly self-sustaining as possible, utilized the fine grazing lands in the immediate vicinity of the agency, and the product of the cattle was the source of the meat supply. The Indians, however, wanted these cattle given to them, and meat purchased for their individual consumption.

The governor endeavored to gain their consent for white men to prospect in the Elk Mountains, and if gold or silver should be found that it might be mined, but they were obstinate. He next inquired if they would dig gold themselves or cultivate their farms, to which they returned an emphatic no, and appeared disgusted that such a question should be asked them, but Jack observed dryly that he was willing to be a governor.

No complaint whatever was made about prospectors, miners, hunters, or other infringement of reservation rights. Had there been anything to complain of in this regard it would have been heard from. With their wants and complaints all before us, there is no reason whatever for the assumption that Mr. Meeker had treated them harshly or even unkindly or that Coloradans had entered upon the reservation. The only objections raised against Mr. Meeker were on account of his plow and his school.

Referring to this extract reminds me that the Indians desired three wagons purchased; they wanted Mr. Meeker to purchase them so that they could ride; they did not propose, as I understood, to use the wagons for purposes of teaming, or anything of that kind, but they wanted them and some large horses that they could drive to them, and they complained that Mr. Meeker had promised to get them those wagons previous to that, but had not kept his word. When the Indians left Denver, after this interview with me, they separated; two went ahead of the other two. Capt. Jack and Sowerwick, as I understand, went about a week later than the other Indians. They went home by way of the Middle Park. When they reached Hot Sulphur Springs, Jack had quite a conversation with Mr. Frank Byers, to whom I have previously referred. And Mr. Byers informs me that Jack told him about the interview at Denver, and was very angry at me because I would not assent to his proposals to get Father Meeker removed; and he said to Mr. Byers that when he got beyond the soldiers (referring to Dodge's command, which had left Garland some months before and were skirting up on the eastern line of the reservation on its way to White River Agency) the Utes would set the whole country on fire. Mr. Byers informed me in Denver that he was willing to come to Washington and testify to this fact, if desired. Jack went on after leaving Hot Sulphur Springs, and passed the soldiers, and started over the mountains; and after he

reached the summit, it is believed that he began to start fires. I will read a letter from Mr. William Heatherly to me, as Mr. Byers informed me that Mr. Heatherly was a witness to Jack's setting these fires. The letter is as follows:

MIDDLE PARK COLO.,
January 13, 1880.

Hon. F. W. PITKIN:

Yours of the 6th is at hand. Have taken the first opportunity to answer in regard to the Indians setting fire. I was carrying mail about the last of July or first of August. Captain Jack went over the Gora Range ahead of me. When I got to the foot of the range I found my corral on fire; also the country around it. I rode on and overtook Captain Jack and another Ute. I accused them of setting the fires. They didn't give me any satisfaction about it. I am sure that it was them, as there was no white men in that part of the country. Antelope and his band were camped on the Muddy at the same time, and the head of the Muddy above them was also afire. These fires were in the western part of Grande County and eastern part of Routt County. This is all the information that I can give.

Yours, truly,

WM. HEATHERLY.

Some time in July two Indians, who were identified, one as Bennett and the other as Chinaman, or Glass Eye, were discovered in the act of setting fire to the houses of Major Thompson and Mr. A. H. Smart, on Bear River, thirty or forty miles away from the reservation. A warrant was sworn out before Judge William E. Beck, then district judge, and now judge of the supreme court, for the arrest of those two Indians. The warrant was issued by Judge Beck, and placed in the hands of the sheriff of Routt County for the two Indians that were accused of the act of setting fire to the houses. The sheriff of Routt County followed the Indians on the reservation, and went to the agency and demanded of Mr. Meeker that the Indians should be surrendered. As the crime was committed off the reservation, and no doubt was entertained by the judge that the State courts had jurisdiction over the offense, Mr. Meeker applied to Douglas, and Douglas refused to surrender the two Indians, and asserted that the State officers had no authority to come on the reservation to execute processes. The sheriff had a very small posse—a few men only, and he returned to the county-seat of Routt County. The matter was brought to my notice officially, and I reported the facts to General Pope. No steps have been taken, which I know of, for the surrender of the Indians to the State authorities, but General Pope, as I remember the correspondence, wrote, in reply to my letter to him, stating that he would have companies detailed for the arrest of the parties; and I see that Mr. Hayt, in his correspondence, has somewhere directed that the parties shall be surrendered to the sheriff through the aid of the agent and of the troops, but they have not been surrendered up to the present time.

On the 16th of September I received the following letter from Mr. Meeker:

UNITED STATES INDIAN SERVICE,
WHITE RIVER AGENCY, COLORADO,
September 10, 1879.

SIR: We have plowed eighty acres, and the Indians object to any more being done, and to any more fencing. We shall stop plowing. One of the plowmen was shot at last week. On Monday I was assaulted in my own house, while my wife was present, by a leading chief named Johnson, and forced out doors and considerably injured, as I was in a crippled condition, having previously met with an accident, a wagon falling over on me. The employes came to my rescue. I had built this Johnson a house, given him a wagon and harness, and fed him at my table many, many times. The

trouble is, he has 150 horses, and wants the land for pasturage, although the agency was moved that this same land might be used, and the agency buildings are on it, I have had two days' council with the chiefs and headmen of the tribe, who concluded, after a sort of a way, that I might plow, but they will do nothing to permit me to, and they laugh at my being forced out of my house.

I have no confidence in any of them, and I feel that none of the white people are safe. I know they are not if we go on to perform work directed by Commissioner of Indian Affairs. Here are my wife and daughter in this condition.

Confer with General Pope, Commissioner, and Senator Teller. At least 100 soldiers ought to come hither to protect us, and to keep the Utes on their reservation—should be more.

Don't let this application get in the papers, for I know the Indians will hear of it in a few days. Of course, what the Indians have done is a matter of news.

Truly,

N. C. MEEKER,
Indian Agent.

Governor PITKIN,
Denver, Colo.

I received that letter on the 16th of September, and I immediately mailed it to General Pope, and at the same time I mailed him a letter from Mr. Donaldson, superintendent of the Hahn's Peak Mining Company. This letter was written to Major Thompson, the special agent of the Land Office for the protection of timber, and he handed it to me, and I mailed it to General Pope.

The letter is as follows :

INTERNATIONAL CAMP, HAHN'S PEAK,
Routt County, Colorado, September 10, 1879.

DEAR SIR: Your favor of September 6 is received. The forest fire that began near Sand Mountain early in May last has been burning ever since, and has finally culminated, after sweeping all over that section of country, in a grand attack on our mining property on String Ridge, sweeping all before it, and causing us very serious expense to keep it out of this camp. Besides, it is now sweeping everything before it along the line of our 17-mile ditch, on which we have several miles of fluming. The fire is so hot and the smoke is so dense that we cannot reach many of our flumes to know at present how many of them are destroyed. If any are left it will be nothing short of a miracle,

Thousands of acres have been burned over, and who can say where it will stop? Our saw-mill and timber, I think may go, unless we get rain or snow within the next three days. We keep men night and day battling it where we can, but man is almost powerless against such a destructive element when once set in motion.

Frank Hinman asked the Utes, when he was on Snake River, why they set the timber on fire in our section, and they replied, "In order that their ponies could travel. Now too much timber." Jim Baker, the scout, who lives on Snake River, was out with a surveying party, and says the Utes started a fire in the timber in two different places, not far from their camp. I am not acquainted with any of the Utes; and of course they will not converse with a stranger; but I do know they were in our vicinity when these fires were started in the spring, and there had been no hunters around or we should have known it, because the mining camps are their market for meat.

About the quantity of timber and grazing land burned over, I cannot give it in acres, but it is immense. It can only be measured by miles, and at this date it is growing more fierce every day. Nothing can now stop it but a storm of rain or snow.

Very respectfully, yours,

J. B. DONALDSON,
Superintendent.

JAMES B. THOMPSON,
Special Agent, General Land-Office.

I will also read the following letter from Mr. Meeker, dated September 19, 1879:

ANOTHER LETTER FROM THE AGENCY.

WHITE RIVER AGENCY,
September 19, 1879.

Hon. F. W. PITKIN, *Governor :*

DEAR SIR: Yours received. I have a dispatch from the Indian Commissioner giving directions as to course to pursue when troops arrive, viz, arrest the ringleaders

and hold them until further orders. I think it high time these Indians should be taught to behave themselves equally with white people, and I might as well try them on as anybody else. Things are quiet because we have stopped plowing and fencing.

N. C. MEEKER,
Indian Agent.

On the 24th of September, which was five days before Mr. Meeker was murdered, he wrote me this letter, which was the last letter I received from him. It is as follows:

MEEKER'S LAST LETTER.

WHITE RIVER AGENCY,
September 24, 1879.

Governor F. W. PITKIN:

DEAR SIR: Yours of the 19th received. I learn that the soldiers from Middle Park, after reaching Bear River, turned back. I hear some are coming from Fort Steele, or were to come, but nothing farther.

Things are quiet because I have ceased to make improvements, and the agency is run as the Indians wish.

So far as I can gather, a large number are getting ready to go north to the Sweet-water country to hunt buffalo, and among them are more or less from Los Pinos. They have urged me with might and main to distribute annuity goods now, but as a part of the goods are behind I cannot. Unless turned back they will, until next July, cover the whole country north of the reservation. If soldiers come in, depredators will be arrested, but I judge this should be done by legal process, the military enforcing it.

N. C. MEEKER,
Indian Agent.

WASHINGTON, *January 30, 1880.*

The committee met at 10 a. m., Mr. Gunter in the chair.

FREDERICK W. PITKIN recalled and further examined:

The WITNESS. I wish to say with reference to the testimony which I gave yesterday in relation to the interview between Chief Jack and the other chiefs who visited my office and myself, that there were two statements made by him which did not occur to me yesterday. One was an allusion to Ouray, which is only important as showing the feelings which existed between Ouray and these White River Utes at that time. In the course of the conversation between Jack and myself I referred to a statement which Ouray had made, that some trader was selling whisky to the Indians on Bear River, and as soon as I mentioned the name of Ouray, Jack gave a sort of grunt and scowled, and the other Indians made motions which indicated their displeasure.

By Mr. GUNTER:

Q. Their displeasure at Jack or at Ouray?—A. Displeasure at Ouray, as I understood it. Captain Jack then said "Ouray," then gave a grunt—"Ouray played out—President Johnson played out—new President, new Indian agent played out—new Indian agent; Ouray played out, all same as white men; Sapovanaro big chief." Those are just about the words that he used.

By Mr. DEERING:

Q. What did he mean by "Sapovanero big chief"?—A. Sapovanero is one of the other chiefs at the Los Pinos Agency, who has always been supposed to be less friendly to the whites than Ouray. The other expression, which I did not remember yesterday when I was testifying, was a remark that he made about Father Meeker. The expression pro-

duced on my mind was that his bearing with the Indians was different some days than others. As near as I can remember Jack's words they were these: he said, "Some days Agent Meeker said Indians heap good Indians; next day, heap bad Indians." I do not know that it is important at all, and I know nothing about the truth of the statement, but I think, out of justice to Captain Jack, I ought to mention it. These are the only two things of the conversation that I can recall that I did not refer to yesterday. The impression which I gathered from what he said was that, perhaps, some days Father Meeker was peevish. Whether that is right or not I do not know, but it conveys the impression that he left on my mind.

As the circumstances immediately preceding the massacre seem to be so important, and the committee have called so few witnesses upon the subject, I would like, with the permission of the committee, to read a statement made by Col. John W. Steele, of Oberlin, who was at the agency shortly before the massacre. Colonel Steele has indicated his willingness to come here and testify to the truth of the statement. This letter is not dated, but it was published October 10th, immediately after the massacre; it was written about October 8th or 9th.

[Special correspondence of the Tribune.]

Early in July last I was called to Rawlins, Col., to look after the mail route from that point to Waite River Agency. I remained at Dixon, on Snake River, several days. While there Indians belonging to the Ute chief Colorow's outfit frequently came to Dixon to trade buckskin and furs for Winchester rifles, ammunition, and other supplies. I learned that they were camped on Snake River, Fortification Creek, and Bear River, from fifty to one hundred miles from their reservation.

The Indians seemed to be quiet, but the settlers complained that the Indians were burning the grass and timber, and occasionally killing their cattle and doing much damage to the country. I also heard much complaint from the mining district near Hahn's Peak and Middle Park; that the Indians were burning the timber, and had burned the houses of several settlers and killed one man. Smoke was at that time plainly visible from large fires on the headwaters of the Snake and Bear Rivers. On completing my business on the mail route I returned to Washington. The first week in September I was called (by disturbances on this mail route) to visit it again. Arriving at Rawlins, Mr. Bennett, the subcontractor for the route, told me that he had attempted to establish his line of mail carriers on the route; that he had gone as far south as Fortification Creek, where he was met by Utes belonging to Colorow and Ute Jack's band; that

THREE INDIANS STOPPED HIM

and told him that he must go back; that he parleyed with them and finally went on as far as Bear River, where he was met by more Indians of the same tribe, and, though he fully explained his business to them, he was so violently threatened that he returned to Rawlins without establishing the mail route. Bennett has freighted Indian supplies to the Ute Reservation for several years, and knows many of the Indians. He was accompanied by a man who has lived among the Utes for years, and with whom they have heretofore been friendly. Both advised that it would be dangerous to attempt to go to the agency. On the night of September 4 I arrived at Snake River, and on the 5th went to Bear River, meeting no Indians on the way, but finding the grass and timber destroyed by fire all the way along the route. I remained at Bear River several days endeavoring to find parties to carry the mail to the agency.

Many of the settlers were alarmed by the hostile actions of the Utes. Others anticipated no trouble, but all complained of the burning of the grass and timber. On the morning of September 10th I started with two mail carriers for the agency. We rode over the route followed by Major Thornburgh's command, and at noon rested at the mouth of the cañon where the battle has since taken place. Here at a tent occupied by an Indian trader, and two miles from the reservation, we met a number of Utes, one of whom asked where I was going. I told him to the agency. After a short talk with other Indians, he told me we must go back. I made no reply, but leaving one of the carriers at the tent, I proceeded up the cañon in which the Indians laid the ambush for Major Thornburgh's command, toward the agency. The Indians followed us to the agency. I afterwards learned that they belonged to Ute Jack's party. We

arrived at the White River Agency about 6 o'clock p. m., and found a number of Indians there, some of whom seemed greatly excited. I soon learned that the agent, Mr. Meeker, had a short time before my arrival been violently assaulted by a Ute Chief named Johnson, and severely, if not dangerously, injured. The white laborers told me that they had been fired on while plowing in the field and driven to the agency buildings, but that they were not much scared, as they thought the Indians only wanted to prevent the work, and fired to frighten them. Finding Mr. W. H. Post, the agent's chief clerk and postmaster at White River, in his office, I proceeded to transact my business with him. While engaged at this the Indians began to congregate in the building. Mr. Post introduced me to Chiefs Ute Jack, Washington, Antelope, and others.

Ute Jack seemed to be the leader, and asked me my name and business. I told him. He inquired if I came from Fort Steele and if the soldiers were coming. I replied that I knew nothing of the soldiers. Jack said:

"NO 'FRAID OF SOLDIERS.

Fort Steele soldiers no fight. Utes heap fight." He again asked my name and when I was going away. I replied, "In the morning." Jack said, "Better go pretty quick." I offered him a cigar and repeated that I would go in the morning. He then inquired for Mr. Meeker, and said to Post: "Utes heap talk to me. Utes say agent plow no more. Utes say Meeker must go way. Meeker say Utes work. Work! work! Ute no like work. Ute no work. Ute no school; no like school," and much more of the same sort. Jack asked Mr. Post when the Indian goods would be issued. Post replied, "In two moons." Jack said the goods were issued at the Uncompahgre Agency; that four Indians had come from there and told him. Post replied, "Guess not." Mr. Post said to me, "Every fall there is more or less discontent among the Indians, which finally dies out. This year there is more than usual. Jack's band got mad last week because I would not issue rations to some Uinta Utes who had come here, and all the bucks refused to draw their supplies. The squaws drew for themselves and children." I asked if the miners were not making trouble with the Indians. Post replied he had not heard

ANY COMPLAINT FROM THE INDIANS ABOUT MINERS

or settlers; that they were kept off the reservation and made no trouble. The whole complaint of the Indians has been about plowing the land and being made to work, and requiring the children to go to school, and that very recently they had shown great anxiety to have the Indian goods distributed, and complained about that; that he could not distribute the goods as they had not all arrived at the agency.

Mr. Meeker came in for a short time while we were talking. About eight o'clock I went to his quarters and found him

PROPPED UP IN HIS ARM-CHAIR

with pillows, evidently suffering severely from injuries received from the assault of Chief Johnson. After a short talk we discovered that we had formerly been fellow-townsmen, which opened the way for a free conversation about mutual acquaintances. After which Mr. Meeker said, "I came to this agency in the full belief that I could civilize these Utes; that I could teach them to work and become self-supporting. I thought that I could establish schools and interest both Indians and their children in learning. I have given my best efforts to this end, always treating them kindly, but firmly. They have eaten at my table and received continued kindness from my wife and daughter and all the employes about the agency. Their complaints have been heard patiently and all reasonable requests have been granted them, and now, the man for whom I have done the most, for whom I have built the only Indian house on the reservation, and who has frequently eaten at my table, has turned on me without the slightest provocation, and

WOULD HAVE KILLED ME

but for the white laborers who got me away. No Indian raised his hand to prevent the outrage, and those who had received continued kindness from myself and family stood around and laughed at the brutal assault. They are an unreliable and treacherous race." Mr. Meeker further said that previous to this assault on him he had expected to see the discontent die out as soon as the annuity goods arrived, but he was now somewhat anxious about the matter. In reply to an inquiry, he said that the whole complaint of the Indians was against plowing the land, against work, and the school.

I told him I thought there was great danger of an outbreak and I thought that he should abandon the agency at once. To this he made no reply. Shortly after Ute Jack came into the room where we were sitting and proceeded to catechize me nearly as before. He then turned to Mr. Meeker and repeated the talk about work, then asked the agent if he had sent for soldiers. Mr. Meeker told him he had not. Jack then said "Utes have heap more talk," and left us.

During the conversation Mr. Meeker said that Chief Douglass was head chief at that agency, but that

HE HAD NO FOLLOWERS

and little influence. That Douglass and his party had remained on the reservation all the summer and had been friendly to the whites; that Colorow, Ute Jack, Johnson, and their followers paid no attention to his orders and had been off the reservation most of the summer. That Chief Ouray was head chief but had lost his influence with and control of the Northern Utes.

I again urged on him the danger of remaining at the agency, when he told me he would send for troops for protection. During this conversation the Indians had remained around the agency buildings, making much noise. About ten o'clock I went to the quarters assigned me for the night in the storehouse office. Soon after this the Indians began shouting and dancing in one of the agency buildings and around the agent's quarters. About midnight Mr. Meeker attempted to quiet them, but was only partially successful, and the red devils made it exceedingly uncomfortable for me most of the night. I was told in the morning that the Indians had

HAD A WAR DANCE

Those who saw and could have described the scene are all dead now. At daylight the bucks had all disappeared. After breakfast I called on Mr. Meeker in his room to bid him good by. He told me he had written for troops, and requested me to telegraph for relief as soon as I reached Rawlins. After bidding all good by I mounted my horse and, not without many misgivings, started for Bear River. This was the last I saw of Father Meeker. A man of the Puritan stamp, an enthusiast in whatever work he undertook, he had given his whole soul to the work of civilizing the Utes. It is a waste of words to say that he was honest and honorable in all his dealings with them, for this life has been public and his character beyond reproach.

Mrs. Meeker is one of the

GENTLEST AND MOST MOTHERLY WOMEN

I have ever met; with a heart large enough to embrace all humanity. Her kindly disposition and gentle manner should have protected her from the assault of the veriest brute. Miss Josie seemed to me to have inherited much of the force and enthusiasm of her father. She appeared to have overcome the feeling of disgust which savages must inspire in any lady, and to have entered on her duty of teaching with the highest missionary spirit. Around this family were gathered, as help, people peculiarly genial, and calculated to win by kindness the regard of the Utes. Those who seek palliation for this bloody massacre must look elsewhere than in the family or among the employes of Father Meeker.

On the return trip to Bear River I met many Indians going to the agency for the issue of rations. Several of the bucks hailed me, but I hadn't time to stop. At the trader's in the cañon I found several Indians purchasing supplies. At the crossing of Howard's Fork, thirty miles from the agency, I met three Indians, two of whom I saw at the agency the night before. They stopped me and inquired for

AMMUNITION FOR WINCHESTER RIFLES.

I replied "No sabe." After detaining me for nearly one-half hour, I persuaded them to let me pass, and reached Rawlins without further incident worthy of mention, and immediately telegraphed and wrote General Sheridan the condition of affairs at White River, and received his reply that aid would be sent at once.

By Mr. POEHLER:

Q. What is Mr. Steele's business?—A. He is establishing mail-routes. I do not know whether he is connected with the Post-Office Department or with some mail contractors. He will be here in two or three weeks.

By Mr. GUNTER :

Q. This visit of which he speaks was a short time before the fight and the massacre at the agency?—A. It was between two and three weeks before the agent was massacred; I do not know the exact date. The Meeker massacre occurred just four months ago yesterday. I suppose it would be an important fact for the committee in determining the relation of the tribe to the white people, if it could be ascertained how many, if any, of the Uncompahgre Utes were in the Thornburgh fight; that is, how many of Ouray's band were there. I believe that a considerable number of Ouray's warriors, the younger portion of his tribe, were in the fight, and I will state my reasons for the belief so that you may be able to determine, as well as I can, whether I am correct. All reports from Ouray's agency, represented that his warriors were away at the time of the Thornburgh fight. It was claimed that they were off on their annual hunt. Father Meeker's letter of September 24, written five days before his death, contains this language: "So far as I can gather, a large number are getting ready to go north to the Sweetwater country to hunt buffalo, and among them are more or less from Los Pinos." That seems to me conclusive that among those Indians then congregating for what afterwards proved to be the Thornburgh fight were more or less Indians from Los Pinos. About eight days after the fight, in response to very alarming telegrams which I received from Lake City, I sent Major-General Cook, of the State militia, on a special train from Denver to relieve that point, and on his return he reported to me that he had sent out scouts to the agency, who brought back word to him that Ouray's Utes were returning with their horses tired out as though they had been ridden hard, and that they brought back no game. That was about ten days after the massacre. Another fact is that Ouray stated to Mr. Saunders, the editor of the Ouray Times, that his cousin and nephew were killed by Major Thornburgh's soldiers before the fight. Now, I have never seen any report which indicated that Thornburgh's soldiers had fired a gun prior to the time that they were attacked in the cañon. If they had been killing Indians they probably would have expected an attack, but all reports agree that they were marching along seeming to think that the Indians were friendly and anticipated nothing hostile until they were surrounded by those Indians; so that if Ouray's cousin and nephew were killed by Thornburgh's soldiers they were probably killed in the fight rather than before it. Mr. Saunders published that statement in the Ouray Times; I saw him in Denver the day before I started for Washington, and asked him if Ouray made the statement to him in that way, and he said he did. The Hon. Thomas M. Field, a citizen of the highest standing in the State, who three years ago was the Democratic candidate for State treasurer, and a year ago a candidate for lieutenant-governor on the Democratic ticket, informed me that his firm of Field & Hill had bought the skins sold by Ouray's tribe for several years past, and that the skins which they had for sale, generally averaged five to seven thousand pounds per annum. He told me that he went there this year to buy their skins, and bought all he could find, and I think he stated the number to be sixteen pounds; at all events, a very insignificant number, less than one hundred pounds. If these Utes had been on a hunt and their hunt had been shortened by the outbreak, we might imagine a very large falling off, but I could hardly conceive of there being an absolute failure of having some skins for sale if they were on a genuine hunt as claimed. A chief whose influence has been supposed to be very nearly equal to Ouray's, but slightly less, by the name of

Billy, and who I have been repeatedly informed by people living near the agency and familiar with it, would probably be elected to succeed Ouray in case of his death, was at Leadville about ten days or two weeks before the Thornburgh fight. My attention was called to the fact of his being there because the sheriff of Gunnison county telegraphed me in relation to what he should do to recover some horses about which there was a controversy. I had been a friend of Billy's, and when I was in the San Juan country last summer I was informed that he had been every day for six weeks to the agency to meet me to talk over the condition of affairs among the Indians; I had a talk with him as I came back and I felt very friendly to him, and believed that he was the most reliable man there was in the tribe, unless Ouray himself might possibly be excepted. When I received word on the 1st of October of the massacre of Thornburgh and the probable massacre of the agency people, I immediately telegraphed to all frontier points to send out couriers to warn our settlers in the country bordering on the line of the reservation of the outbreak, apprehending that the Indians might attack the mining settlements, and warning the settlers to prepare to defend themselves. After sending a dispatch to General Wilson, at Leadville, directing him to send runners to the country west, northwest, and southwest of him, I happened to think of Captain Billy, and a few moments later than the first dispatch, I sent a second requesting General Wilson to have his couriers notify the settlers that if Captain Billy was still in the settlement they should see that he was not harmed, as he had been a lifelong friend to the whites. The next I heard of Captain Billy was that when General Adams went to rescue the captured women, he was among the hostiles. General Adams informed me on his return that Captain Billy refused to speak to him the night he arrived there and the next morning before he started to meet General Meritt's command, and also that he refused to speak to him on his return to the Indians from General Merritt's camp, although General Adams had been the agent of the tribe, and Billy had been under his command, and had assisted him, as I understand, in the capacity of servant. I subsequently learned that after leaving Leadville, instead of going down to the southwest towards Los Pinos, on the Gunnison trail, he went up by the way of Irwin, on the White River trail going north. Mr. N. M. Curtis, who has been for twenty years the interpreter of the tribe, informed me that Billy went north to the White River Agency, passing his camp, and that he had a long talk with him by the way. If Billy had been an obscure Indian this would not have had as great significance as it has, from the fact that he was an Indian of great prominence and one of the younger members of the tribe. It would probably have required a very large Indian force to put so large a number of our soldiers 166 on the defensive, force them to retire, and even imperil their existence. Yet I have no doubt that they would have been all destroyed but for the forced marches made by Dodge's and Merritt's commands to rescue them, and in my opinion all the White River warriors together were not sufficient, unaided, to have put the soldiers in that condition.

By Mr. DEERING:

Q. Do you think this was done with Ouray's sanction?—A. No, sir; I do not think it was. I think Ouray has felt for many years, for seventeen or eighteen years, extremely friendly to the whites; but I think that on account of his extreme friendship for the whites he had, in a measure, lost his control over the younger members of the tribe. They had not seen the power of the Federal Government as Ouray had

during the rebellion, when he saw one or two hundred thousand soldiers in camp. I am informed by Governor Evans that after Ouray returned from the visit to Washington during the war, he told the Utes that he had seen soldiers enough to station a line around the entire Ute reservation, and if they attempted to fight the Federal Government these lines would advance and destroy them all. Ouray also has property interests, and he has a salary of \$1,000 a year from the Federal Government, all of which would make it his interest to be a friend of the whites, and I have no doubt he is sincerely so, but I think that the younger members had broken away from his restraints, and that he was unable to control them. I have been assured by settlers living near there that the number that he controlled prior to the outbreak was very limited, but since the outbreak occurred he has undoubtedly been doing what any statesman would do to protect his people. In my judgment, his conduct as a member of the peace commission has not been strictly impartial. Some of the Indians were in his house with him; the witnesses were there with him, they came up with him, and the reports in our papers have indicated that war-dances were held in his house during the nights he was there with the witnesses and the chiefs who have been accused of these crimes. I think if Ouray had not adhered to the interests of his tribe he would have been killed by the tribe, and I understand that he regarded his life as in danger at times during the sessions of the commission.

By Mr. GUNTER:

Q. Douglas seems to be controlling a small band; what is your opinion as to his friendship for the government?—A. As far as his relations to the government are concerned, I think they were more friendly than those of any Ute connected with the White River tribe, but I believe that the tribe now is nearly all warlike. If General Hatch comes before your committee, as I understand he will, he is able to give the facts upon the subject; but I have been told by a gentleman that General Hatch said to him that the Indians were more anxious to fight than the whites were.

Q. They were a portion of Douglas's immediate followers that were in the Thornburgh fight, were they not?—A. Not Douglas's men, I think. I understood that his men were mostly connected with the murders at the agency, the destruction of the buildings, and the subsequent outrages perpetrated, but that it was Jack's, Antelope's, and Colorow's band, with such assistance as they received from other parts of the tribe (providing they did receive assistance), that fought the soldiers. Mr. John B. Adams, county clerk and recorder of Carbon County, Wyoming, the county seat of which is Rawlins, and also agent of the Union Pacific Railroad Company, sent this dispatch to the Denver News. It is dated October 28, and reads as follows:

Charles Wilson, who was in charge of a trading store near the scene of the Milk Creek battle, says that

MANY STRANGE INDIANS

were at his place with the White River Utes just the day previous to Thornburgh's fight, and he is positive they were Southern Utes.

He says he was going into the agency the evening

BEFORE THE FIGHT,

and that when he had reached the place where the battle was afterward fought he met Jack and a large band of Indians, among whom were the strange Indians, and that

JACK TOLD HIM

to go back, saying, "You go back;" "we no want to kill you; to-morrow heap fight; kill all the soldiers to-morrow."

On the strength of this statement Wilson turned back. This version shows conclusively that the Indians planned the battle and picked the ground, and does not agree with

GENERAL ADAMS'S REPORT

that the Indians did not want to fight, and that they never fired a shot until after they had been fired upon.

Understanding that so few witnesses were to be called, I wrote Mr. Adams, who is a man of position and standing, for the facts, and in reply I received from him the following letter, which refers to quite a number of witnesses to the facts, which they would testify to if subpoenaed here; and if the committee are willing to hear it read, I will read it:

OFFICE OF J. B. ADAMS,
COUNTY CLERK AND REGISTER OF DEEDS,
CARBON COUNTY, WYOMING,
Rawlins, January 21, 1880.

His Excellency F. W. PITKIN,
Governor, Colorado:

SIR: I have the honor to acknowledge the receipt of your favor of the 19th instant, and hasten to reply. In all my specials to the Denver News I endeavored to say nothing which could not be proven, and I herewith give you my authority:

1st. My special with regard to what the Indians told Charles Wilson was based upon information received from Eugene Taylor, who owned the trading-post near the scene of the Thornburgh battle, and in whose employ Wilson at that time was.

The special referred to was correct as given me by Taylor in the presence of several witnesses. I can substantiate this statement by my own and the oaths of several others. This man Taylor is now in Washington City, as I am informed, in the interests of the White River Utes. I am informed this evening by a person who ought to know that Charles Wilson and one Mike Sweet are supposed to be with an outfit conveying arms and ammunition to the Utes from the southwest.

2d. L. Calvert and William Aylesworth, jr., informed me and repeated the same to me to-day that on Saturday previous to the Thornburgh disaster they met a man named Fairchilds about thirty miles this side of the agency. He warned Calvert and Aylesworth not to go near the agency; said he had just come from there, and that the Indians were all ready for battle; that the Indians told him the soldiers were coming and they were going out to meet them and give them battle, and that a great many Indians had already gone, and that he (Fairchilds) had no doubt but what the agency employes had ere then been massacred. Fairchilds is now at Ashley's Fork. Calvert and Aylesworth are here and ready to testify.

3d. I am informed by these same gentlemen, as well as by others, that Mrs. Peck, wife of a trader, made the following statement to Mike Sweet and others: "Jack, with a large party of Indians, was here yesterday; they said they were going to fight the soldiers to-morrow, and wanted a large lot of cartridges. I gave them the cartridges because I was afraid to refuse them. Jack said to me, 'Mebbe so to-morrow. Mebbe so two sleeps. Heap fight soldiers. Fort Steele soldiers come here. Ute heap kill 'em; mebbe so; kill 'em all. Now you no see me two sleeps. You go railroad. Ute heap mad. Mebbe so kill you.'" Calvert and Aylesworth are willing to swear to this statement.

4th. The day previous to the massacre, L. Calvert and William Aylesworth, jr., met Jack and his party. Jack said to them, "Heap soldiers come here, mebbe so soldiers heap fight, mebbe so run, Ute heap good gun, heap fight soldiers, Ute no run. Now, mebbe so fight to-morrow, mebbe so two sleeps, Utes kill 'em all." An Indian known as Chinaman had a great deal to say in this last conversation. Calvert and Aylesworth are ranchmen who live on Snake River. Have been to the agency a good many times, freighting, carrying mail, &c., and know all the White River Utes by sight, and they say positively, and will so swear, that there were many strange Indians with Jack and his party. They are of the opinion that they were Southern Utes, the statement of Fairchilds that there were twenty or twenty-five Uintah Utes at the agency notwithstanding.

5th. A day or two before the battle Ferguson Trotter met a party of Utes under command of an Indian known as "Big Joe," who said to Trotter, "You see soldiers?"

How many soldiers you see?" and upon being answered that he did not know how many soldiers there were, Joe said, "All right, me no care how many. Heap Ute, all same, kill 'em anyhow. Me kill five, mebbe so seven, mebbe so ten." This information is given me by Mr. Calvert. Trotter is at present with the command at White River in the capacity of butcher.

6th. J. P. Rankin made the following statement to me after the battle and repeated the same to-day, referring to Thornburgh's movements two days before the battle: "We met Jack, Colorow, and other Indians, who acted as if they wanted to fight; they were very saucy and told us we had better go back. By Thornburgh's order, scout Charles Lowry went to the agency. When he returned (the evening before the battle) he made the following statement to me: 'I had a hell of a time getting out of there; at first they would not allow me to leave at all, but finally allowed me to leave after taking my gun from me. They said they were going to fight the soldiers. They were painted in a hideous manner, and mean business. They advised me to keep out of the way, and was then talking of killing the agent and employes. Father Meeker said he would leave, but they would not permit him to do so. I have no doubt but what they have all been killed before now. We will catch hell to-morrow, and don't you forget it, and will get it in that cañon. The Indians told me that if the soldiers came on the reservation that they would attack them.' This man Lowry was killed during the engagement, which took place at the time and at the place predicted by him." Rankin is willing to swear to this statement.

7th. A man named John Easum, who resides on Bear River, was talking with me as Thornburgh's column left Rawlins. He said, "It's too bad to see a handful of men going out in that way to be slaughtered; they will never reach the agency." I told him I thought he was mistaken; that I did not think the Utes would show fight. He said he knew better, that they had been preparing for a long time. Easum understands their language sufficiently to enable him to keep up with the conversation which he heard between them on Bear River, and he says positively that the Indians had been preparing for a fight, and, on account of the conversation he heard at that time, he immediately moved his family to Rawlins for safety. This man Easum knows a great deal. He is here in town and is willing to appear before the committee and testify.

8th. Col. J. W. Steele, agent for M. C. Rerdell, mail contractor Rawlins to White River, went over the route a short time before the massacre. He says the Indians made hostile statements and gave him distinctly to understand that they meant war. The Indians told him they were going to fight the soldiers. Colonel Steele leaves for Washington to-morrow on mail-service business.

9th. Mr. William Ike, of this place, went over the route and will testify that the Indians had made preparations and were ready to fight the soldiers.

10th. Mr. E. W. Bennett will testify substantially to the same facts as Colonel Steele and William Ike.

11th. Chief Douglas told me in the presence of several witnesses that he could clear out the soldiers at Fort Steele. This was when Douglas was threatening to take some of their goods out of my freight-house by force, and I told him if he attempted it I could have soldiers from Fort Steele in an hour. I could cite many more cases and give the names of many more persons who would testify to facts proving that the attack was premeditated, but think I have already given enough. Should you need any more, however, communicate with me and you shall have them.

I have the honor to be, your obedient servant,

J. B. ADAMS.

I have no knowledge of any mining camp on the Indian reservation. The most westerly camp aside from the San Juan country in here (referring to the map before him) is a camp which was called Ruby last spring, and the name of which was changed to Irwin during the latter part of the summer or the fall. The miners in that camp believed that they were not on the reservation, and were anxious to determine last summer whether they were or not. I received frequent letters from them upon the subject, as they desired to locate their mines off the reservation. I sent them such maps as I could get and certain reports either by Hayden or Wheeler, describing the country there and giving the prominent peculiarities, so that they might determine by the 107th meridian, which is the eastern boundary of the reservation, whether their camp was off it or not. Late in the fall the surveyor-general of the State informed me that his deputies had carefully examined into the matter with reference to preparations for the patenting of certain mining claims or the town site there, and he referred me to them for statements

upon the subject. I addressed a communication to the two United States surveyors located at that place, who were in Denver at the time. These are United States officials, with whom the State has nothing to do. They are appointed by the United States surveyor-general, and they represent the government in their surveys. In reply to a letter which I addressed to E. H. Kellogg on the 14th of December, I received the following reply:

E. H. KELLOGG,

DEPUTY U. S. MINERAL AND LAND SURVEYOR.

Denver, Col., Dec. 15, 1879.

Gov. F. W. PITKIN:

SIR: In reply to your note of yesterday inquiring as to location of the east boundary of the Ute Reservation through the Gunnison and Elk Mountain mining country, I would say, that the surveyors employed on that line were compelled by the roughness of the mountains to carry it over this region by triangulation, no monuments or other marks being set between the Gunnison and Grande Rivers, and it is just in this part that the mining camps are located. In the absence of landmarks or reliable information, the best that could be done was to approximate the location of the line. The first discoverers in the Ruby district knew they must be very near the line, but fully believed themselves off the reservation, and during the summer have been confirmed in this belief by repeated assurances from the Indians themselves that "it was all right to dig on this (the east) side the big mountain, but they must not go beyond it." This was the substance of the talk at an interview with six or eight Uncompahgre Utes, at which I was present (the conversation being carried on in Spanish, with which I am familiar). The same remark was made to me by "Big Jim," a White River Ute, who camped with me one night on his way south. Several times during the summer the camp has been visited by traveling parties of Indians, who passed about among the miners in the most friendly manner, giving a distinct impression that they did not consider us as trespassers. I am positive that no attempt was made to pass the limit thus pointed out by the Indians, in this particular locality, and as far as I know, Ruby is the most aggressive camp on the border.

As to the actual location of the line, my information is inferential only. Some years ago I found the line in Antelope Park, about one mile east of the mouth of Clear Creek, and monuments have been described to me on White Earth, Gunnison, and Grande Rivers, which seem to be on a fairly straight north and south line, and all between five and six miles west of the astronomical location of the 107th meridian. This line produced across the region in question certainly leaves the town of Irwin and most of the mines off the reservation. Whatever locations may be west of this line have been ignorantly and not willfully made.

In justice to the miners of the Elk Mountains, I beg to say that I have never known a more temperate, industrious, or law-abiding class of men in any mining community, and I do not believe that there has been a single instance of knowing encroachment on Indian Territory.

Very respectfully, your obedient servant,

E. H. KELLOGG.

This is a very rugged country all over here (pointing to the Elk mountain country on the map) and the Elk mountains run from northwest to southeast and are very high. I have never been there, but I think they are from thirteen to fourteen thousand feet high above the timber line, where it would be impossible to run any chains or anything of that kind, and there are no monuments set except those that are in this place (indicating on the map). I have also a letter here from the other mineral surveyor, Mr. Swindler, dated December 27:

Denver, December 27, 1879.

Hon. F. W. PITKIN,

Governor State of Colorado:

SIR: Learning that the late outbreak of the Ute Indians has been laid to the alleged encroachments of prospectors upon their reservation, and having resided at the town of Irwin, otherwise known as Ruby Camp, previous to and during their depredation, and believing a letter addressed to you stating the facts as I know them might be a

straw in the weight of evidence against this misrepresentation that has gone abroad, I have written this communication. I surveyed the town-site and numerous claims adjacent thereto. During my residence there and since, I have taken particular pains to look up the location of the boundary-line, and I know that Irwin lies east of their territory. Two parties of Indians passed through our camp, one previous to, and the other after, the commencement of the White River outrage. On both occasions the Utes were quite friendly and nothing was said about our being on their ground, as they claim the Ruby Peaks about one mile west of the outskirts of the camp as their eastern boundary, so that according to the testimony of the Indians themselves the miners were not on their domain nor were they in any manner responsible for the White River massacre.

I know of no mining camp which is claimed by the whites or Indians to be on other than United States government land.

Very respectfully, yours,

F. P. SWINDLER,
United States Deputy Surveyor.

I have had constant intercourse with people from those frontier camps during the past year, both personally and by letter, and the testimony has been uniform that the miners have desired to keep off the reservation; that they have desired to locate their mines off it, and no one, so far as I know, believes that any mining camp is located on the reservation. The fact that Jack in his interview with me in Denver did not claim that any mining camp was on the reservation, and that no such claim was ever heard by the agents or other parties, satisfies me fully that this camp, which is the only one in question, so far as I know, is about a mile east of the reservation.

By Mr. GUNTER :

Q. You say there was no camp of miners upon the reservation? Have you heard of any parties prospecting or going across the reservation for that purpose?—A. I have heard, in a general way, that miners have crossed the line and wandered about on it, and I have no doubt that a considerable number of miners have wandered over the line. This reservation is about the size of the States of Massachusetts and Vermont combined, and there were only three bands of Indians, amounting in all to about three thousand persons, that occupied it, one located at White River, another at Los Pinos, and a third in the extreme south of La Plata County. Now, supposing Vermont and Massachusetts were the reservation, I cannot conceive of Rhode Island, Connecticut, and New York being inhabited by any class of population that I have ever heard of, that would not wander over across the line and look around. Especially if, as in this case, it were not fenced for so large a part of the distance, and there were no monuments by which the boundaries could be marked. I have no doubt that our miners have wandered over there more or less, but I have no idea that the Indians have seen them. Miners look for mines in the tops of the highest mountains. Some of the best mines in Colorado are found in the mountains from 10,000 to 14,000 feet high. The Indians, as a general thing, are an indolent class, and in going from the White River to the Uncompahgre Agency they would not go up to the tops of the highest mountains to look for miners; they would take the regular route, where there was game.

Q. You say that Jack made no complaint in regard to settlers or miners going on the reservation; did you hear any other complaints from other Indians as to the prospecting of the miners?—A. I have never in my life heard a complaint by an Indian, or of a complaint having been made by an Indian, of any mining camps being on the reservation, or of prospectors going on. I asked Jack, as I stated yesterday, if he would not permit the miners to prospect between the Gunnison and the Grand Rivers, in the Elk Mountains, and he gave the answer that I have testified

to. So the fact was called to his attention and he never gave any indication that any miners were in there. There are two conclusive reasons why last season the miners would not establish camps there. In the first place, if a miner finds a mine he wants one that he can sell, or in the possession of which he can be protected. A mine discovered on the Ute Reservation by a white man would be absolutely worthless to him, because he could not get a patent, nor be protected by any law, but would be certain to be driven off in case of complaint. If a miner discovered a valuable mine on that reservation, what he would do would be to hide it and conceal the fact of its existence, hoping that the day would come when that country would be thrown open to settlers so that he could go in and stake his mine and work it. The second reason is that our people are afraid that the Indians would kill them on the reservation if they should be found working there. I have been told by a large number of persons at different times during this past year that the Indians have come through the town of Irwin and have pointed to Ruby Peak, a mile west of the town, and said, "That peak is the boundary; this side (pointing to the east) white man's ground; other side Indians' ground. You go over there and we will kill you;" and these white people have told me that the Indians always made the same gesture, indicating that they would cut their throats.

By Mr. WADDILL:

Q. Have any of those Indians ever worked the mines?—A. No, sir; I never heard of any Indian working a mine.

Q. That miners' region where the minerals are, is it of any use to the Indians? Does it contain pasture land or tillable land?—A. No, sir; it has more or less snow on it three-fourths of the year. The country farther west has game in it, but I cannot conceive of any possible use that this mountain region can be to the Indians. The mountains are very high, extending away above the point where timber will grow, and the peaks are covered with snow during a large portion of the year. I have never actually been at that place, but I am familiar with the mountains through the main range, and my opinion is that there is never a time in the year when there is not snow on these mountains.

Q. What I want to get at is, what injury it would be to the Indians if the miners should go over on to that territory—whether the trespassers would do them any considerable damage?—A. Why, it could not possibly do them any damage.

The CHAIRMAN. Except to the extent of the value of the ore that might be taken out.

The WITNESS. I never have heard of any Indian taking out a pound of ore in that State.

The CHAIRMAN. They might claim that they could sell it, though.

The WITNESS. I pass now to another point. A large number of citizens of the State of Colorado had been murdered by the Indians. Before making a statement of the cases that have come to my knowledge, I will say to the committee that I am compelled to make this statement as a matter of common notoriety of which I have no personal knowledge; I simply know the facts just as I know of the Thornburgh fight. Other witnesses, however, who have been subpoenaed will be here in a few days, and will be able to give the committee more explicit information on this point. In July, 1859, a Dr. Shanks and Dr. Kennedy, who were on the South Fork of Clear Creek, a short distance from where Georgetown is now located, were both killed; a third person by the name of Slaughter, who was with them, escaped. In August, 1859, a

party of seven persons were killed in a gulch tributary to the Gunnison River, and another person who was with them escaped by hiding in the bushes until night came. In the summer of 1872, in the North Park, eleven miners were killed and their property was found in possession of Colorow's band, and money taken from the murdered men was spent by this party in Denver. In 1873, in the valley of the Ucharis, near where the town of La Veta is now situated, one William Potts and either four or five parties with him were murdered. This place was over 100 miles from the reservation. In September, 1878, a man named Elliot was killed in the Middle Park. The party that killed him was composed of Uncompahgres and White River Utes. They were pursued by the officers of the State, and they broke up, one party going to the White River and the other going to the Uncompahgre Agency. Pioh and Wass were two of the Indians belonging to the party that committed the murder. A man named McLean, a ranchman, was killed in Bent County; he rode off into this band composed of both White River and Uncompahgre Indians and never was seen afterwards. He had a brother who was engaged with him in the stock business. Both of them were accomplished men, and men of quite large means. As soon as Mr. McLean was missed the stock men started out and followed the track of his horse to where these Indians were camped, and found where the horse had suddenly shied and run around in various directions, crossing his own tracks; and subsequently they found the horse several miles away from the place. As soon as McLean was killed the Indians broke up into small bands, some of them going home in this way and some in that; one of the bands went through Middle Park, and some of them went through other counties; and the large band had entirely broken up before any demonstration was made by the whites and started home. And it was one of those bands that killed Mr. Elliott. Doctor McDonald, who was at that time the surgeon at the Los Pinos Agency, informed me at the agency shortly after they returned that he was satisfied that Pioh, an Uncompahgre Indian, was guilty of one of the murders. He said that when Pioh returned he asked him (Dr. McDonald) what the news was and asked him to read the papers to him. The Doctor told him there was no news of any importance; but Piah said, "If you read me what the papers say, I won't tell anybody"; and altogether the Doctor was satisfied from his conduct that he was guilty.

By Mr. WHITEAKER:

Q. Did I understand you to say that the remains of this lost man that you have spoken of were found?—A. McLean's remains never have been found.

Q. Was the horse dead when it was found?—A. No, sir; but riderless.

Q. With the saddle on him?—A. Yes, sir.

Q. Not wounded in any way?—A. Not wounded in any way. The brother of Mr. McLean, who has spent a great deal of money hunting for the remains, went into the Los Pinos Agency last fall with General Hatch, and he had not been in camp but a short time when there was a great agitation among the Indians, and they made it known that they wished this man McLean to leave. They recognized him. The Indians have wandered so much through the State that they know a very large number of the citizens in different localities, and I am told that it is a peculiarity of the Indians that if they once see a face they remember it and know where the man lives. In this case they recognized Mr. McLean and insisted that he should leave. And General Hatch told him

that he had better do so, and he did leave the agency. These murders that I have referred to so far are twenty-seven in number. Then a man named Marksberry was killed in El Paso County in the spring of 1875.

By Mr. AINSLEE :

Q. Had the Indians' title to any portion of those lands been extinguished in 1859 ?

Senator TELLER. The title of the land where Central City stands was extinguished on the 18th of February, 1859, as I recollect. But that was never recognized as belonging to the Utes; it belonged to the Cheyennes and the Arapahoes. All that Denver country came from that treaty.

The WITNESS. At different times there have been found in the mountains the bodies of white men; one was found with an arrow embedded in the bones of the neck, and the people of the State generally believe that these are the bodies of persons who have gone out prospecting and never returned, having been murdered by the Indians. In 1878 two brothers named Green were killed on the road between Ouray and Utah. There is a mail route there, and they were killed somewhere near the mouth of Grand River. This year there were nine employés at the White River Agency killed at the time of the massacre; also, a man named Goldstein, a peddler, was killed; also, a man named Gordon, and two of his teamsters, a man named Eskridge, and Mr. Laurie, who has been alluded to in the letter which I have read from Mr. John Adams, and who had been acting as a scout. These were citizens of the State. Aside from these men, bodies have been found and have been indentified. I have referred here to forty-five citizens of the State that have been killed by the Indians, and I know that the list is not complete, because the first part of the list of names that I have read was handed to me by a gentleman in Denver, and, being somewhat familiar with the cases generally, I at once discovered that he had omitted five or six.

By Mr. GUNTER :

Q. I understand you to say that all these murders that you have enumerated, with the exception of those at the agency, were committed in the State of Colorado ?—A. Yes, sir; and all of the murdered persons were, I believe, citizens of Colorado, and they were killed by the Utes.

Q. Do you know of any provocation given for the killing of those persons, or were all these, as you understand, unprovoked murders ?—

A. I understand that all of them were unprovoked murders excepting the murder of Marksberry, according to what the Indians claim. After he was killed they claimed that he was making a movement as though he were going to kill an Indian, and that the Indians shot him in self-defence; but, as I understand the circumstances, Marksberry was there alone and there was quite a number of Indians present, and their testimony of course is to be taken for what it is worth. The murderers of Marksberry were the only ones that have been arrested to my knowledge. They were arrested and examined before the United States commissioner, and on the testimony there produced, which was the testimony of the Indians who were present at the killing, the accused were discharged.

Mr. GUNTER. I asked that question for this reason: it frequently happens that the Indians come across the line, get to drinking with the white people, who are sometimes no better than they, and get into personal difficulties, and sometimes they kill the whites and sometimes they get killed, and I thought that some of these might have been cases of that kind.

The WITNESS. No, sir; these cases are nearly all cases of miners,

who were at work in their mines, and were all massacred. In one or two instances some of them escaped by hiding in the bush. Now, I have never heard of but one Ute Indian being killed by white men in the State of Colorado, except those who were killed by the troops in the Thornburgh fight. That Indian was killed by the survivor of one of the parties that I have before alluded to that was murdered. This man escaped; and this Indian he believed was one of the attacking party. There had been bad feeling between them, and the Indian was riding toward the white man with his hand on his rifle, and the man who shot him claimed that he believed his life to be in danger, and he fired first. I have never heard that the Indians ever claimed that more than that one Ute Indian has ever been killed by a white man in the State of Colorado. There has been a common understanding among the settlers bordering upon the reservation that whatever the indignities practiced upon them by the Indians they would not resent them to the extent of shooting an Indian. The settlers have understood that if an Indian is shot the Indians immediately wreak vengeance on the first white man that they come across, or upon the communities that it is most easy for them to reach. This man Elliot, for instance, was killed immediately after the Indian was killed that I have referred to. The white man killed an Indian; the Indians were on their way to the reservation, and Elliot was working in front of his house entirely alone, and the party came along and shot him and went on. His death is supposed to have been provoked by the previous killing of the Indian. Therefore the settlers in these sparsely settled places bordering upon the reservation throughout the whole length of it, from Wyoming to New Mexico, have refrained from injuring the Indians in any way, because they knew that if settlers anywhere began to shoot Indians the lives of white settlers everywhere were endangered. And that is the reason why more Indians have not been killed in the State.

By the CHAIRMAN :

Q. What is the general character of these Indians in their treatment of the whites? Are they hostile to them or friendly? Have they the character of never having injured the white people in that way, and do they boast themselves that they have never injured any white men?—A. In their dealings with the whites the Los Pinos Utes have generally been civil. They are Southern Utes. They have been generally friendly to the whites, and the whites have generally been friendly to them. The whites have understood that when they come along that their ponies can graze anywhere; they never pay any fare on toll-roads; they ask people to give them food and things of that kind; and I think it is the invariable custom to do so—to give it to them. They have turned ponies into meadows, and complaints have been made at various times that they have stolen horses; but their conduct towards the whites has been as friendly as you could expect from Indians who are wandering about leading a vagabond life all over the State. The conduct of the White River Utes has been quite different. The whites have not been friendly to them, and they have not felt friendly to the whites. The white settlers, however, have been so scattered that they have done about as the Indians wanted. The women cooked their victuals, and they would order the women to go and draw water from the wells, order them about as they would their own squaws, and the people have been compelled to submit to it, because the settlements were so sparse that they could not help it. These are the relations that have existed, as I understand them. They have been semi-friendly; the Indians have not been generally killing people.

Q. Is the intercourse between the whites and the Southern Utes free and friendly?—A. I do not think the people of the State like an Indian.

Q. Are they afraid of them?—A. I think the great mass of the people of the State have a sort of chill run over them when they come in contact with them, except in places with some population. They are a dangerous looking people, their style of dress and their demeanor, and the fact that they do not talk much makes the white people generally afraid of an Indian. I confess that has been always my feeling since I have known them.

Q. Do not the white people and these Southern Utes mingle freely without fear and have dealings with each other without the expression of fear on either side?—A. You mean prior to the Thornburgh massacre?

Q. Yes.—A. They have regarded them as friendly Indians. In large places they looked upon them as curiosities; in small places where there are very few people they have never wanted them around, and they always were very much relieved when they went away; and as a general thing the people in sparsely settled places, except the oldest settlers, have always been fearful when they have been around.

Q. Has there ever been any serious outbreak prior to this massacre of Thornburgh on the part of any of these Indians?—A. There has been none except what I have heretofore detailed—the murders of miners at different times.

Q. But I mean an open outbreak—actual hostility?—A. No rebellion against the government. They have committed these murders at various times and have, so far as I know, gone unpunished, every one of them.

Q. But this is the first open act of hostility you have ever known on the part of any of them?—A. Yes, sir; so far as I know, the general government has never taken any steps to punish any of these Indians who have committed these murders; not one of them has ever been punished, so far as I know. The State forces started for the murderers of Elliot. The sheriff of Arapahoe County started with some military to find them, but they struck up through the mountains and got beyond the reservation and there the pursuit stopped; but in the cases of the others I know of no efforts made to punish them.

By Mr. GUNTER:

Q. You indicate that there is rather a bad feeling on the part of the whites towards the Indians. Is there not a very strong desire upon the part of your people that those Utes should be removed away from their border?—A. Yes, sir; I will explain that now, with the consent of the committee. As soon as the news reached the whites of the attack on Thornburgh's command, the whole country, 50 to 100 miles wide, bordering on the reservation, from Wyoming to New Mexico, was completely panic stricken. There were appeals made to me for troops or arms from various places in Routt County, from the North Park, from the Middle Park; most earnest appeals from the Eagle River, from the Roaring Fork, from nearly every town in Chaffee County, although there was a mountain range running between them and the reservation, and quite a portion of Gunnison County, which would be some kind of a protection from any meditated attack. Appeals for arms or for troops came to me also from Crested Butte, from Gothic City, Irwin, Gunnison, Hillerton, Virginia City, Lake City, the town of Ouray, San Miguel, Rico, Animas City, Silverton, and even the town of Alamosa, which is situated, I

think, 100 miles from the nearest corner of the reservation, and from Silver Cliff, a large town with five or six thousand population. All these places, and others which do not occur to me now, appealed to me for aid. The feeling was entirely different from what it would be in case of a fight with a civilized foe. The people felt that these Indians were inside of a line in which there were no white men, and as they had been wandering freely all over the State for so many years, each place felt as if it was on the regular trail of the Indians, and would be the first attacked, and the appeals were almost all of a stereotyped kind, whether the places from which they came were near the reservation or remote from it—that the people feared that the Indians would ride a long distance in the night, attack the settlement, massacre the men, and reserve the women as captives.

Q. Then you do understand that there is a strong desire on the part of your people all along the borders to have the Indians removed?—A. Yes, sir; they feel even now, after the panic has subsided, that war is inevitable in the spring if the Indians are left in the State.

Q. Did not that feeling exist before the massacre, and if so, for how long a time?—A. No, sir; I do not think there was any feeling before that there was going to be a war.

Q. But before the massacre there was a strong desire to have the Indians removed, was there not?—A. Before the massacre there was a general feeling that the Indians were occupying very valuable mineral land which was of no use to them, and which the poor men of the country now living in Colorado, and constantly coming in there, should have the right to enter upon and use. For example, the city of Leadville, which has now a population of about 40,000, is only about 35 miles east of the reservation, and the mineral belt extends up to the reservation, and, as the white people believe, extends into it. Now there are probably 20,000 laboring men employed working the mines in and around Leadville; the market value of the mines there at the present time is from fifty one hundred millions of dollars. All this is substantially a creation of that amount of wealth within the last two or three years; which is, of course, a benefit not only to the people directly interested, but indirectly to the country at large; and our people say that if the ground on which Leadville stands had happened to be on the reservation, it would have been a crime against the neighboring people of this country to have kept the white men off it in order that the Indians might roam and hunt over it, or rather that they might make no use whatever of it, and it would have been a crime to have kept our people who are endeavoring to make their way in the world out of that rich region.

The apprehension of danger exists to-day throughout these places in our State, whether near the reservation or some distance away from it. Within a few days previous to my starting from Denver, I had appeals to send a military company into Routt County. The sheriff of Grand County, Eugene Marker, who lives at Hot Sulphur Springs, in the Middle Park, came to my office for arms to equip troops. He said that the people there were fully satisfied that the Indians would attack them in the spring. I also had appeals from Gothic City for a military company or for arms, and the same from Rico, and since I have been here I have received a letter from a leading citizen of Ouray, in which he states that unless I relieve them there shortly he believes they will all be murdered before spring. Now, on account of the intervening mountains these towns of Ouray, San Miguel, and the neighboring mining camps can only be reached by a wagon road which starts on the eastern part of the reservation and runs north of the mountains past the Los Pinos

Agency and down to Ouray. Nearly the whole fighting force of the Ute tribe is at Los Pinos, I understand, and there is no way that we can possibly get troops or guns or ammunition through except by sending them through to these towns 70 miles over the reservation. Roads might be made over the mountains which would be available for some months in summer, but as long as the snow falls they will become impassable; so that if those towns are really in danger, it is impossible to relieve them except by sending a force sufficiently large to fight the the entire Ute tribe at Los Pinos. If it was in the summer season, I could send troops and arms over the mountains, but it is impossible to do that in winter. This condition of affairs must continue as long as this reservation is preserved.

By Mr. AINSLEE:

Q. You say the Indians have never complained of any depredations on their reservation by miners or prospectors. Have they ever complained of cattle-men allowing their cattle to range on the reservation?

—A. I have never heard of any complaints which they have made, but I have no doubt but that some of them have wandered on the reservation; indeed, it would be impossible to keep them off.

Adjourned.

WASHINGTON, January 31, 1880.

FREDERICK W. PITKIN recalled and further examined.

The WITNESS. In stating yesterday that there were no mining camps on the reservation, I meant at the time of this outbreak. I do not know of one mining camp that there has ever been on the reservation. About three years ago the miners thought they discovered a valuable gold claim between the town of Ouray and the Los Pinos Agency, where Ouray lives, and they flocked in in large numbers. It was a placer claim, where they washed the gold out of the sand. Ouray was aware of the fact and said that he had no objection to their staying there; and it was generally so understood, that he had no objection to their making their experiments; that he did not think they would find gold, but he did not want them to build any houses; and they remained with Ouray's consent until themselves satisfied that there was no gold, and then left. But that was, as I understood, entirely satisfactory to the Indians, and could have had no possible connection with this outbreak. With reference to the alarm felt by the settlers for quite a distance from the reservation, I wish to say, in addition to what I said yesterday, that I ordered a military company to proceed from Saguache to Lake City, Saguache being, I think, nearly one hundred miles from the nearest point on the reservation; the reports from Lake City being very alarming, I ordered that company to go there, unless there was danger at home. They held a public meeting of the citizens at Saguache, and they decided that there was danger at that place, and were unwilling to have their military company leave to go to the defense of the settlers at Lake City.

By Mr. POEHLER:

Q. How near is Lake City to the reservation?—A. It is about eighteen miles south of the reservation. Our people are not afraid to meet the Indians and to fight the contest out with them, but the bravest men, men who fought in the Federal or the Confederate Army during the last war, and who are scattered all through that region, are not will-

ing to lie down and go to sleep with the apprehension that these Indians may attack them in the night and give no quarter. If it was a civilized foe, they would feel no alarm; but it is the fact that the Indians are savages, who massacre indiscriminately and take no prisoners, except women, that occasions this widespread alarm. Now, if the government should see fit to establish a much smaller reservation in the extreme western part of the State, and should remove the Indians onto that reservation, our people feel as though there would be no guarantee of peace. They feel as though a conflict was inevitable, sooner or later. The wandering habits of the Utes are so strongly fixed, and they have been accustomed for so many years to roam everywhere over the State, that our own people feel that they could not be kept on the reservation, but would begin to wander off again into the mining camps. They think that in the changed feeling which exists between the white people and the Utes—a feeling which I feel justified in saying is hostile throughout the entire State, or, at least, through that portion of the State near the reservation—controversies would be inevitable, and that there would be some killing either on one side or the other, and that in case a conflict began it would involve the whole tribe and a very considerable portion of the white people. And while it would be a great benefit to the people of the State and to the people that are coming to the State from all parts of the Union if the Indians were removed entirely out of the State, it would at the same time be for the highest interest of the Indians themselves, because, in case of a conflict, the Indians, being the weaker party, of course would suffer most. The belief is general among the people of Colorado that there is mineral all through the western portion of the State and at the mouth of the Grand River, where it passes the line in Colorado running into Utah. I was informed the morning I started for Washington that at an assemblage of gentlemen at the house of Bishop Spaulding, the Episcopal bishop of the State, a gentleman who had been through on the mail route said that he had washed out as much as twenty-five cents to the pan of gold right there in Grand River.

By Mr. GUNTER (in the chair):

Q. If there is anything else which goes to show the causes of this outbreak, you may state it.—A. I would like to say one thing about Father Meeker's character, to give my estimate of the man. He has been always regarded in Colorado as the very highest and purest type of a man which any portion of the country affords. He was a natural-born philanthropist. I suppose that the committee all know that he was associated with Horace Greeley for a number of years; that he founded the Greeley colony, and named it after Mr. Greeley, and induced to go there the very best class of people that he could find—people that entertained the same views of life that he did, and the employes whom he selected to take the agency were pure men. There was no whisky saloon allowed in Greeley, and the class of men he took to the agency were men that did not use whisky. He went there, not with the objects for which ordinary Indian agents desire agencies—he did not go there as an office-seeker—but with a belief that he could carry out the instructions of the Interior Department—civilize the Indians; and he set out with enthusiasm to accomplish that object, and I feel sure, and the people of our State all feel confident, that a purer and better man than he never was appointed to an Indian agency.

By Mr. DEERING :

Q. You don't mean better fitted for that special position, but better in character?—A. Better in character and motives.

Q. But you don't mean specially fitted for that position?—A. My own opinion is that a man who relies entirely upon his ability to accomplish these reforms immediately with a tribe like the Ute Indians must be a little mistaken in his judgment. I think he perhaps did not understand sufficiently the nature of the Indians. I think if he had been a good judge of their nature he would have left his agency several weeks before the massacre, instead of remaining there to be killed by them. That is all I have to say, unless the committee desire to ask me some questions.

By Mr. POEHLER :

Q. This Mr. Ashley whom you have mentioned was a government surveyor?—A. A deputy United States mineral surveyor, appointed to that place by Surveyor-General Campbell, who was appointed surveyor-general for the State of Colorado by the President or Secretary of the Interior.

Q. Did he see any Indians himself at that time?—A. I do not know.

Q. You do not know whether they ordered him out?—A. I do not know whether they ordered him out in person. He told me that large numbers of miners, well armed, came streaming by where he was surveying; that the mountains were on fire all around; that the men told him that the Indians had told the white people that they would kill them unless they left. I do not think that the Indians were immediately where he was; whether he saw them around him in the mountains, I do not know.

Q. Did any persons call on you who had been themselves ordered off by the Indians?—A. I don't recollect distinctly whether the people who described these troubles in the North and Middle Parks were ordered out themselves. I do not think that any of those people who had been ordered out came to my office. This place where the Indians ordered the settlers out is quite a distance from Denver; there is no railroad running there; it is sparsely settled. A large proportion of the people in the North Park were from Wyoming, having come in from the north, and most of them went out by the north. Mr. Byers, who was working two mines near Hot Sulphur Springs, informed me that his miners were ordered out, and he gave me the names of his miners and the names of the mines out of which they were ordered, which I have given to the committee.

By Mr. GUNTER :

Q. How far was that mining camp from the reservation?—A. It was, as I understand, fifty miles in a direct line, and about one hundred miles by the circuitous route which has to be taken. I stated these facts as I understood them to be, and gave the committee the names of the parties that were ordered out and the places from which they were ordered, so that the committee might subpoena them if they desired. Of course I was not present in all parts of the State when these events occurred, and can only state these facts as based on the common notoriety, or in some cases on specific information.

Q. Do you know of any person who saw the Indians set fire to the timber?—A. I think the wife of Major Thompson, who is sitting in the room here, saw fires set. The Indians of course were not camped near houses, but in the forests, and the fires, as I have always understood

sprang up where the Indians were. On the first day that I was examined I stated that Mr. Terpening, county assessor of the county in which the State capital is located, informed me that he was passing over a trail in the county of Ouray; that he met two Indians on the trail, and about five minutes after passing them he came to where fires had been recently set; that the fires spread and burned over a very large tract of land, and that he continued his journey and met no one else on the trail or in the vicinity. The statements which I have read, and the statements made to me, are to the effect that the white people were not in the places where the fires were set, but the Indians were.

Mr. WADDILL. I understand that the information you give is such as you would have acquired naturally by virtue of your office; that you were looking after these matters and gathered this information as governor of Colorado, in order to do what you could for the relief of the people.

The WITNESS. Yes, sir. I have stated the information which was given me from various sources, and have not pretended to be a witness to those occurrences, because I was at the State capitol most of the time.

Mr. POEHLER. Then I understand that fires were set all around the reservation, as well in the southern part as in the northern part?

The WITNESS. Yes, sir. Fires were set in every one of the San Juan counties—Ouray, La Plata, San Juan, and Hinsdale; in those four counties, in the southern part of the State; in Routt County, at the north, and in the north park, and in the middle park. I have been informed that fires were set in Gunnison County, but my information is not as specific there as it is in relation to the other points, because it is rumor in the one case, and information brought to me directly in the other. With the permission of the committee, I should like to introduce some resolutions adopted at a mass-meeting of the citizens of La Plata County.

By Mr. GUNTER:

Q. At or about the time these fires occurred, were there not a great many persons teaming, and hunting-parties of white people traveling and camping through that section of the country?—A. I think there were very few people hunting. There were many miners in there engaged in working their mines. There was very little teaming in there, because there were very few roads; the roads are almost impassable, and to a large number of the camps there are merely trails. They pack their goods up on the backs of mules; as they term them there, little donkeys.

Q. Those freighting parties usually camp at night, do they not?—A. Yes, sir; but there is a general desire on the part of the people of the State to preserve the timber. They appreciate its immense value. Miners all know that it is impossible to conduct mining on a large scale unless you have plenty of timber, for the purpose of timbering the mines. There is no motive on the part of the whites to destroy the forests, but, on the contrary, the strongest desire to preserve them, because every miner knows that he might need that timber for mining purposes. I wish to call attention to the conformation of the reservation. This strip, running along the southern border of La Platte County, is fifteen miles wide. The strip of the reservation in the western part of Ouray and La Platte counties is twenty miles wide. There is a large body of Indians in the southern part of this strip, and the country immediately north of it is occupied almost entirely by stockmen; although

after you pass fifteen or twenty miles from the reservation the mining country begins. Therefore, you see the reservation nearly surrounds this country. The cattlemen are north and east of these strips, but the reservation is not fenced, and, of course, cattle will necessarily wander around the reservation.

By Mr. WADDILL:

Q. What county is that projecting into the reservation?—A. That is La Plata and Ouray counties; that is what we call the San Juan country. It is surrounded on three sides by the reservation.

Q. Is the country south of La Plata County good arable land?—A. I think it is. I was informed last summer that the surveyors of the Denver and Rio Grande road, in this section of the country, were compelled to abandon their surveys on account of the dense smoke which filled the atmosphere. I do not know that to be the case of my own knowledge, but I was informed that it was the fact.

By Mr. GUNTER:

Q. You speak of a large body of Indians on that southern strip. Are those Indians hostile or kindly disposed towards the citizens?—A. Those Indians have not been warlike, but the people have regarded the head chief, Ignacio, as not friendly. They have felt the greatest apprehension and alarm since the trouble broke out lest those Indians would attack these remoter settlements.

Q. Were they alarmed on account of anything that that tribe, or that portion of the tribe, had done, or on account of what had been done by the northern White River Indians?—A. They were alarmed on account of the general sympathy which they thought existed between all the members of the tribe. The people believed that some Indians from Ignacio's band were at White River at the time of the fight.

The resolutions of the citizens of La Plata, referred to by the witness, were here put in evidence, as follows:

We see that the citizens of La Plata County held a meeting on the day after Christmas to consider the subject of the removal of the tribe of Indians from the 15 and 20 mile strips and from the State of Colorado. The following is a text of the preamble and resolutions adopted by the meeting:

Whereas, under the treaty of the United States Government with the Ute Indians, a portion of the reservation of the latter extends along the south and west boundary lines of La Plata County, and is fifteen (15) miles in width on the south side, and is twenty (20) miles in width on the west side;

And whereas there are populous settlements adjacent to said reservation on each side thereof, and a large proportion of settlers are engaged in the extensive raising of stock, for which that region is eminently adapted;

And whereas it is physically impossible to prevent the stock of the settlers of La Plata County, and of that portion of New Mexico adjacent to said reservation, from wandering onto the reservation to graze, except by fencing the same, which is impracticable;

And whereas there is no game on the reservation, and the result is that to procure game the Indians go into the mountains and set fire to the grass and timber for the purpose of driving the game out, and also in order to maliciously injure the settlers and miners (this they did during the fall of this year), thereby destroying millions of dollars worth of timber and a vast amount of private property of settlers and miners, and burning off the grass, rendering it necessary for stock to go to the reservation for sustenance;

And whereas we have heard it falsely asserted by certain parties interested in preventing the removal of the Utes, that the said fires were set out by white men, we deem it proper to testify that we know such statements to be false, and that said fires originated where there were no white men and at points where the Indians were then hunting off the reservation;

And whereas the said Indians have always been and are still permitted to roam at large and graze their stock off the reservation, and there has scarcely ever been a month, during the existence of the reservation, that they have not killed the stock of

settlers, which they have done sometimes for food, but often from motives of pure mischief;

"And whereas there is no doubt whatever that the Indians belonging to that portion of the reservation referred to made extensive preparations for a general outbreak, to occur at or about the time of the massacre at the White River Agency;

And whereas it is obvious that many of the warriors from this branch of the tribe were participants in the slaughter of Major Thornburgh and a large number of his command, for the reason that a short time previous to that affair they passed up the Animas Valley with their squaws and children, and over the range in the direction of the White River Agency, and about the time of the outbreak the squaws and children returned alone;

And whereas nothing but the presence of large bodies of troops stationed at several points and constantly maintained at great expense to the government can insure the safety of the lives and property of the numerous settlers and miners in this region;

And whereas this entire region is so situated that ingress and egress thereto is necessarily, to a very great extent, through the reservation, which fact must inevitably be the cause of inconvenience, ill-feeling, and collision, so long as said reservation exists;

And whereas we are satisfied, and most urgently insist that, inasmuch as the treaty establishing the said reservation was made with the Ute tribe, that the tribe is responsible for the acts of the White River Utes, and that by the outrageous massacre at the White River Agency, and the unnecessary and barbarous attack upon and slaughter of Major Thornburgh and his men, the said tribe has forfeited all rights under the treaty, and that the Government of the United States has the right, and it is its duty, to remove them to some point where their presence will be less a drawback and menace to advancing civilization; therefore

Resolved, That the Senators and Representatives of the State of Colorado in the Congress of the United States be and they are hereby requested to use every exertion within their power to accomplish the removal of the Ute tribe of Indians from the State of Colorado.

J. H. PINKERTON,
President.

EUGENE ENGLEY,
Secretary.

I wish to make one further statement—that, so far as I know, there is not a United States soldier in the State who is a protection to any of our people. The soldiers are at Garland, at Pagosa Springs, and there are a few there at White River [indicating on the map]. Here are 125 miles of country occupied by settlers west of Pagosa Springs with the Indians all around them. Here is all that country bearing on the reservation, with no soldiers near the line of the reservation, but in every instance the citizens of the State are left between the Indians and the soldiers, according to the present disposition of the troops, or according to their disposition at the time or immediately after the outbreak, when the troops were brought in, so that the settlers have to protect themselves.

By Mr. DEERING :

Q. What is the length of that unprotected region which presents its side to the reservation?—A. That is a little over 150 miles, as I measure it on the map, on the eastern boundary of the reservation; then it is over 100 miles at the north, and there are about 240 miles of settlements in the San Juan country, bearing upon the reservation. The exposure of the white settlements upon the reservation, as I measure it on the map, amounts to 490 miles.

By Mr. AINSLEE :

Q. General Adams testified to something in regard to two men coming in about the time that these women were to be released, and stated that they tried to get them and passed themselves off as Mormons. Do you know anything about that matter?—A. No, sir; except what I have seen in the newspapers.

Q. Do you know, or have you heard, anything in regard to Mormons

having anything to do with exciting the outbreak?—A. I have seen newspaper allusions to it, but I don't believe the Mormons had anything to do with it at all.

Q. You have a Mormon population in this State, I believe?—A. We have only a small settlement in one county in our State—the county of Conejos.

Q. You gave some evidence in regard to John P. Adams stating that the Indian Jack had told him to go back and not to go to the reservation or they would kill all the soldiers, and that several other parties made the same statements; do you know whether or not any of that information was carried to Major Thornburgh before the fight—whether he was warned?—A. I do not; I know that in the reports published after the battle it was stated that the scout, Lowry, who was killed in the fight, reached Major Thornburgh's force a short time before the battle, and that he said what Mr. Adams reported him as saying when hereached there, that "we will catch hell in that cañon" (the one where he was killed); "that the agency people were, probably, all massacred before that time; that Father Meeker would have gone out if he could, but that he could not get out."

Q. You think that Lowry reached Major Thornburgh's command before the fight?—A. O, yes; he was there and made his report, and this man Joe Rankin, who made that long ride after the battle to carry the news to Rawlins, gave at the time he arrived there the report that Lowry brought.

Q. The scout Lowry was killed in the fight, you say?—A. The scout Lowry was killed in the fight. Rankin was the man who, as soon as they became intrenched, got out, and got a horse that he had never ridden before, and rode 180 miles in less than 48 hours. The names of these parties and their residences are fully stated in this letter.

By Mr. GUNTER:

Q. You speak in your testimony of a mining camp being on the reservation some three years ago; do you know how many were in that mining party?—A. From the common reports at the time, I should think from thirty to fifty miners rushed in. It was only five or six miles over the line of the reservation, in the southern part of it.

Q. How long were they on the reservation?—A. It took them several weeks to satisfy themselves that there was no gold there.

Q. Did you hear of any complaint or dissatisfaction by any of the Indians with regard to their being there?—A. I never did, but always understood to the contrary, that Ouray had told the miners that he did not believe there was any gold there; that they might stay and find out for themselves, but that he did not want them to build any cabins.

Q. But I thought that perhaps other Indians were dissatisfied.—A. No, sir; and at any rate the White River Utes had no interest in this land, which was near the town of Ouray, and even south of Ouray's agency.

Q. Previous to the outbreak were there any other other parties on the reservation for several years back save these, either prospecting or mining?—A. I have no doubt but that prospectors have wandered over the reservation, more or less, but I think it is extremely improbable that the Indians ever saw many of them, because there were so few Indians for such a large tract of country that prospectors might wander there for weeks and not meet an Indian, as the great mass of the Indians would be near their agencies, or, if away from them, traveling from one place to another by their ordinary trails.

Q. You speak of those Southern Utes taking up their camp and going north toward the White River Agency a short time before the outbreak; do you know of any warlike demonstration on the part of those Southern Utes upon that southern strip previous to that time?—A. No, sir; I do not think, however, that the feeling was as friendly between Ignacio's band and the whites as it has been between Ouray's band and the whites.

Q. Who was the predecessor of Mr. Meeker?—A. Mr. E. H. Danforth.

Q. Was there any serious dissatisfaction among the Indians while he was agent, or did this dissatisfaction grow up under Mr. Meeker's administration?—A. I have understood that there was a great delay in the delivery of goods and supplies belonging to the Indians on account of the failure of the freight contractor to ship them from Rawlins to the agency; that was while Mr. Danforth was agent; but I understood that after Father Meeker came there he brought the goods in regularly, and that there was no complaint of that nature during his time, and that the excitement growing out of the failure to deliver supplies had entirely died out at the time of the difficulty or perhaps before.

Q. During this dissatisfaction was there any warlike demonstration on the part of the Indians? Did it grow so serious as that?—A. I do not know very much about that. My residence was in the extreme southern portion of the State, so that I knew less about it than other people. Major Thompson would know more about it.

By Mr. POUND:

Q. Didn't the Indians regard the determination to take the troops to the agency as a declaration of war on the part of the government?—A. I think they regarded the effort of the government to put the troops in there as showing a determination to exercise some control over them. Up to that time those White River Utes had been doing about as they pleased. They had never been whipped by either white men or Indians, so far as I have ever heard, and had never felt the control of the government or anybody else, and they may have seen a purpose on the part of the government to assert its power and to control them in a measure, and concluded to resist it.

Q. They had already indicated a determination to resist any effort on the part of the government to plant troops on any part of the reservation, hadn't they?—A. The statements of various people which I introduced yesterday show that they had been saying for quite a while preceding the fight that if the soldiers came they would kill them. These troops were called for by the agent, who had been roughly handled, and they were sent there, as I understand, to protect his life when he believed it to be in danger, and to protect the lives of the people that the government had sent there as its representatives.

Mr. GUNTER (in the chair). Mr. Pound wishes to know if the Indians did not consider the sending in of the troops as a declaration of war, and so express themselves.

The WITNESS. I think not. But I think they had made up their minds that if the government wanted to send any troops there they would fight them, and I think that a good many of those ignorant young Utes think that they can whip all the soldiers of the United States.

By Mr. POUND:

Q. Was not the massacre the result of the determination of the government to force the troops in against the expressed opposition of the Indians?—A. Well, the fight was precipitated by the approach of the

troops, but the testimony which has been introduced shows, I think, that the lives of the agent and the employes of the government were in peril several weeks before the troops got there.

Q. But the facts show that they were more imperilled by the attempt to get troops in?—A. O, yes, sir.

By Mr. GUNTER :

Q. Do you think that if the troops had stopped at the boundary the agency would have escaped attack and the massacre have been averted?

—A. It might have been averted for a time, but I think the tribe was ripe for war. I think they neither respected nor feared the government nor the white people.

By Mr. WELLBORN :

Q. That attack on Major Thornburgh, how far from the northern boundary of the reservation?—A. Only a short distance, a mile or two.

Q. Is that northern boundary marked by well defined monuments or is it an imaginary line?—A. There are no well defined monuments around there anywhere, the monuments are very far apart.

Q. It is an imaginary line then?—A. It is practically an imaginary line.

By Mr. HASKELL :

The government had a policy to carry on twith those Indians, agreed to by everybody, that they should be kept upon the reservation, civilized, and taught the arts of peace, and made to behave themselves in their relations to the whites. That is the general policy of the goverment. Now in carrying out that policy, in your judgment, did the exigency of the situation demand the presence of an armed force for the preservation of peace at that agency and the lives of those people there?—A. I think it did. I think that they were determined not to have their children educated; the great mass of them were determined not to work. I think they would have resisted all efforts to carry out a policy of that kind, and I think that is shown by the facts that they did shoot at the plowman and stopped the plowing in that way. They had thoroughly cowed the agent for some time previous to the arrival of the troops.

Q. You think, then, that they occupied, for instance, the position of the law-breaker, and that the difficulty grew out of the sending of the troops there to preserve the peace, just as a disturbance might result, perhaps, from sending a peace officer to arrest or control a lawless individual?—A. That is my idea. I think they were in defiance of the government.

Q. And to say that the sending of the troops caused the trouble would be the same as to say that sending a peace officer to arrest a criminal was a declaration of war on the part of the authorities towards the criminal and gave him a right to resist?—A. I think that would be an analogous case.

WASHINGTON, *January 31, 1880.*

JAMES B. THOMPSON sworn and examined.

By Mr. GUNTER. [In the chair.] The object of the present examination is to ascertain, if we can, the causes of what is known as the late Ute outbreak. We would be glad that you would confine your statement strictly to that.

The WITNESS. I had thought that in order to give a better idea of what my knowledge of Indian affairs is, I had better state that I was appointed a special agent for these roving Utes on February 14, 1871, and was stationed at Denver for that purpose. I held that position until December 31, 1875, when I resigned. The next year I went to the portion of the country in which I have since lived for two years, near where this fight occurred, what is now Routt County, Northern Colorado, for the purpose of looking over the country, with the intention of inducing a colony to come to Bear River Valley. I remained there about three months in the summer and fall of 1876, and in the summer of 1877 I removed there with my family. That is known as the Hayden settlement, about 50 miles in a direct line northeast from the White River Agency on Bear River. I lived there until about the first of July last. Previous to that time I had been in Washington about two months, under orders from the Secretary of the Interior, and returned with an appointment as United States timber agent for Colorado and New Mexico. It was shortly after I left there that some of these most serious depredations occurred, which I will come to by and by. During my term of office as special agent at Denver, it was always a habit of these Indians to come there in large numbers, generally twice a year, mostly in March or April, and again in August and September, for the purpose of hunting buffalo on the plains east of Denver, where the buffalo were quite numerous up to 1875, in what is known as the Republican country, on the headwaters of the Republican River, and this agency was established partly to take care of those roving Utes, and as far as possible to keep them from depredating upon the white people in their travel back and forth. I would like to show from documents that I have here, and also from published reports of the department, how they conducted themselves during the time I was acting as agent. I would also like to go back of that and refer to a list of claims for depredations committed by the Indians for the ten years ending April 30, 1874. These claims, I think, amount to something like six millions of dollars, those which are reported from citizens of Colorado.

Q. Are these depredations by the Utes?—A. By the Utes. I have a list of claims for depredations by Utes on the property of citizens of Colorado for the ten years ending April 30, 1874. It appears in this published list that most of those depredations took place during the years 1873 and 1874. I have no personal knowledge of any of them, with the exception of two or three, particularly those of William N. Byers and Andrew Sagendorf, amounting to \$772.50. In both of these cases I took the evidence of the Indians for the purpose of forwarding it to the department and try to establish Mr. Byers's claim, so that he could be remunerated for what he had lost, and in both cases the Indians admitted in my presence, in the first instance, in Mr. Byers's case, that they had burned his building simply because they had a spite against him; and in the other case, that they had killed cattle belonging to Sagendorf, because they were hungry. There are 26 of these individual claims, but these are the only two that I have any actual personal knowledge of—that is, that I investigated in any way.

The witness submitted the list.

List of claims for depredations of Ute Indians for the 10 years ending April 30, 1874.

J. Richard.....	\$15, 125
J. B. Woodson.....	600
N. Roy.....	327 50
Thos. Parker.....	750

J. K. Doyle.....	not stated.
J. Gutierrez.....	\$120 20
Thomas Suaso.....	56
H. M. Fosdick.....	500
J. M. Cordova.....	25
T. D. Burns.....	125
Bernardo Sanches.....	125
C. H. R. Stevens.....	200
David Morley.....	155
Joseph Huff.....	400
Matilda Saxton.....	50
Edward Powell.....	145
C. S. Burdsall.....	125
W. N. Byers.....	400
Andrew Sagendorf.....	332 50
F. T. C. De Buca (M. and A.).....	3,590
James M. Harris.....	100
James M. Harris.....	150
Probst and Kerchner.....	900
Laurence and Woodson.....	600
W. W. Rockhill.....	150
Sam. W. Brown.....	40
<hr/>	
\$25,094 20	

In regard to those fires through the State last year, when I came out from Bear River in May, the day that I left, I met, at what is known as the forks of the road where the government road to the White River Agency separates—one branch going to Windsor and White River, and the other to the Hayden settlement—an Indian named Lakrevach, son of old Nevada, formerly head chief of the Northern Utes. He came riding very furiously and asked where I was going. I told him to Washington. He asked what I was going for and I told him. He wanted to know if I was not going for soldiers, and I answered, "No; nothing of the kind; I am going on private business." He accompanied me to Snake River, about forty-five miles from where I met him, and on the way I noticed a number of places where we had been in the habit of camping on our way back and forth to Rawlins, where there were grassy meadows, and all of them were on fire or had been burned a few days before, and in each instance I pointed them out and asked him what was the cause of the fire—who had set it. He said the Indians in every case. I asked why. He said to make good grass. As I came on I noticed a number of places where fires of the same nature had been set between Snake River and Rawlins. On my way back there in July the entire country—the whole mountain range—the hills bordering on Bear River—seemed to be on fire in places, and the whole country was shrouded in smoke. After I returned to Denver I took it upon myself to investigate, so far as I could, the cause of those fires. During the visit of the Secretary of the Interior to Denver this summer, I was instructed by him to further continue the investigation, and these letters, that I would like to read, are in answer to letters that I wrote to acquaintances of mine—settlers in that northern country—for the purpose of ascertaining those facts.

The witness read as follows:

HAYDEN, ROUTT COUNTY, COLO..

September 18, 1879.

Yours of September 6th is at hand. All the country from the divide on the north side of the Bear River to the Hahn's Peak mines are burnt, that is from 12 to 15 miles, and all hands have been fighting fire for two days to save the buildings, so I am told by the mail carrier. The fire extends over forty miles in length. All of Twenty Mile Park is burnt, and all the range of mountains to the east and northeast of it. That fire alone has burnt thousands of acres of timber.

I do not know how much country is burnt over below here, but some five or six fires have been burning for weeks. The air is so full of smoke you can scarce see half a mile, and at times you cannot see two hundred yards. I have not seen the sky for four weeks to tell whether it was cloudy or not.

From the cañon to the mouth of Elk River a large width of country is burnt and thousands of acres of timber have been destroyed by the fires which the Utes originated over three months ago, as far as I can learn.

Nearly all the fires have been set by the Utes. I could tell when they moved camp and what way they were going by the fires they left. They burnt all my meadow lands below here with the Johnson house. Then above all the bottom lands from here to the cañon six miles above, with a great deal of the timber on the islands. A large bunch of timber is burnt between Steamboat Springs and Rock Creek, and thousands of acres of country burnt over that I saw while in Middle Park last July. How much was burnt in North Park I cannot learn, but thousands and thousands of acres of land has been burnt over, and millions of dollars' worth of timber has been destroyed by fire.

Yours respectfully,

A. H. SMART,
Hayden, Colo.

Maj. J. B. THOMPSON,
Denver, Colo.

WHITE RIVER, COLO.
January 9, 1880.

JAMES B. THOMPSON, Esq.,
Denver, Colorado :

MY DEAR SIR: Your letter of December 10th was received in due time, but I was away from here and did not get it till yesterday.

In regard to the fires which raged in Northern Colorado last July and August, the Utes commenced to fire the country about Snake River, near the base of the mountains, about forty miles off the line of their reservation. They fired the country all along to Bear River. These fires run east as far as the main range. I saw a party of Utes on Snake River in July. They told me they had set the fires to drive the game out.

Very truly yours,

JAMES BONER.

TERRITORY OF WYOMING,
County of Carbon, ss :

Before me, Geo. C. Smith, a notary public in and for said county of Carbon, and Territory of Wyoming, this day personally appeared Frank A. Hinman, who being by me first duly sworn according to law, deposes and says, that he resides at "Hahn's Peak," in the county of Routt and State of Colorado; that he resided at and was engaged in business at said Hahn's Peak during the summer of A. D. 1879; that during the months of June and July, 1879, the timber in the mountains around said Hahn's Peak for many miles was burned; that such fires were started by the Indians who were at that time off of their reservation; that deponent in his business was buying buckskins from the Ute Indians, and that about the 1st of July, 1879, two Ute Indians, named "Dauna" and "Macisco," respectively, told deponent that they, the Ute Indians, had set the fire aforesaid to the woods and timber to burn the dry and fallen trees and timber, so they could get through with their horses; that it is generally known in the country around that the said fire was started by the said Ute Indians; that said Indians belonged to the White River Utes, and were off of their reservation at the time of starting said fire; that where said fire was started was about sixty miles off of their reservation. The Bear River settlement, lying between their reservation and the place of starting said fire; that said fire was started during the early part of June, 1879, and burned fiercely for about two months or more destroying an immense amount of valuable timber in the mountains, and also causing much loss and destruction of and damage to private property.

FRANK A. HINMAN.

Subscribed and sworn to before me this 26th day of December, A. D. 1879.

[SEAL.]

GEO. C. SMITH,
Notary Public.

It is my impression, outside of what evidence has been furnished here, from my knowledge of the country and the people, and also of the habits of the Indians that those fires must have been all set by the Indians. There were no hunters in there at that time, nor any tourists; if there had been it would have been known to the mail-carriers who reported at our place as a terminus three times a week. It is not customary for them to go in there for those purposes sooner than the middle of August or the first of September. I am positive there were no white men in there at the time these fires started.

In regard to the fires set at Hayden, in which I was personally interested, I would present the affidavit of my wife.

The affidavit was read as follows:

DENVER, December 30, 1879.

Eliza W. Thompson, being first duly sworn, deposes and says that on the first day of July, 1879, she was a resident of Hayden, Routt County, Colorado, forty-five miles northeast of the White River Ute Indian Agency, and twenty-five miles north of the reservation line; that on or about the first day of July, 1879, aforesaid, three Ute Indians, named Big Jo, Smoko, and another (name unknown) came to her house at Hayden, got dinner, and after lounging about for an hour asked for matches. Matches were given them, when they rode off up the river about three-quarters of a mile, dismounted and set fire to the grass and sage brush. She watched them with a powerful field-glass and saw them set the fire. I also saw the cabin of Gordon C. Smart burn, and knew that it was destroyed by this fire. I also assert that had not the wind changed, the houses in which myself and Mrs. A. H. Smart lived would have been destroyed, and the lives of ourselves and our children endangered. This was no accidental fire caused by a neglected camp-fire or by sparks dropped from a pipe. I saw them set this fire, and I know that they did so maliciously, and with the intention of destroying my property and endangering the lives of myself and my children.

ELIZA W. THOMPSON.

Sworn and subscribed to before me this thirtieth day of December, 1879.

HERMAN F. LAUTER,
Notary Public.

At this particular time there was not a white man in what is known as the Hayden settlement; they were all out upon some business or other. The fire which was set on the 9th of July, referred to, I think, in Mr. Smart's letter, destroyed a house belonging to him which he called the Johnson House, situated about a mile and a half south of the Hayden town-site, and about forty or fifty tons of hay, and partially destroyed a house belonging to me. Mr. Smart reported as soon as he ascertained them positively, the names of the Indians, "Chinaman" and Bennett, who had set this fire and who were known to me. After consultation with the judge of the district court at Denver, I had a warrant issued for the arrest of those parties and placed in the hands of the sheriff of Grand County, Mr. Bessey. He took a posse of five men and went to the White River Agency for the purpose of making the arrest. He was met by Agent Meeker and had a short talk with him, stating his business. Mr. Meeker called up Douglas and told him it was his duty and would be to his interest to point out the Indians who had committed this depredation. He explained to him that they would be arrested and taken to Georgetown or Denver, probably, for trial; that they would have a fair trial, and if there was no evidence against them they would be discharged. Douglas thought the matter over a few minutes, and, in a very surly manner, informed the sheriff that he had no business on the reservation; that he would not point out the Indians, and that the wisest thing for the sheriff to do would be to turn back and go home, which he soon did. Mr. Bessey returned to Hot Sulphur Springs, the county-seat, and from there wrote to me the result of his mission. Not being entirely satisfied, I caused another warrant to

issue, upon which the judge placed his indorsement, to the effect that the sheriff was required to serve it anywhere in the State of Colorado, Indian reservation or not. This warrant was sent to the sheriff of Routt County. About the same time I made application to the Commissioner of Indian Affairs for redress in the matter, and asked if troops could not be sent there for the purpose of aiding the sheriff in making arrests. Previous to that, however, Mr. Meeker had made a similar request. I was answered that troops had already been ordered there. Before the warrant could be gotten to the sheriff and he could get down to the White River Agency the fight occurred.

I have two other letters in regard to these fires which I would like to put in evidence here if they are admissible, but they are in the hands of our Representative, Mr. Belford, at present. They are letters written to me as timber agent, from Thomas H. Crawford, state representative from that county, and George M. Rand, postmaster at Hermitage, Grand County, in regard to destruction of other property.

The witness read the following:

List of fires.—Houses burned on and near Bear River, Routt County, during the years 1870, 1875, 1876, and 1879.

W. N. Byers, 1870, two houses.

Frank Marshall, 1876, one house.

W. Springer, 1876, one house.

John Tow, 1876, one house.

John Jay, 1875, one house.

A. L. Fly, 1875, one house.

Pollock Brothers, 1876, two houses.

D. G. W. Whiting, 1876, house, corral, stable, hay.

G. C. Smart, 1879, one house.

A. H. Smart, 1879, one house.

There is no positive evidence in my possession to show that these houses were burned by Indians, but I am as well satisfied that they were as though I had seen it done, from the fact that the settlements were scattered. There were no white men in there outside of actual settlers to set accidental fires. There is no man in the country (I know them all intimately and personally) who would be mean enough to retaliate upon another by destroying his property. They could not have set the fires, and the fires could not have been spontaneous; nobody could have set them but the Indians.

By Mr. DEERING:

Q. Were those buildings burned seemingly by direct purpose or did the burning result from the country being set on fire?—A. No, sir; the fire seems to have been set near the building.

The witness read the following papers:

GEORGETOWN, CLEAR CREEK COUNTY, COLORADO,

February 25, 1875.

To Major-General JOHN POPE,

Commanding District:

The undersigned, citizens of Clear Creek and Grand Counties, Colorado, would respectfully ask you to use your influence to secure the establishment of a military post at some point in Western Colorado on the line of emigration, and for the following reasons:

The great valleys of the Grand White Snake and Bear Rivers are now accessible by wagon roads constructed during the past year, and the tide of emigration to that section has already began.

That the Indians who inhabit a portion of the country are adverse to the occupation by citizens of certain portions to which the Indian title has become extinct by treaty

of the government, they having frequently forced miners to cease prospecting on what is known as the Middle Park, thereby retarding the development and prosperity of the country.

The fact made public that the government would establish a military post and station troops in that section during the coming summer, would give the settlers already there a sense of security and include a very large influx of actual settlers during the coming season and thereafter.

That Western Colorado for pastoral and agricultural advantages is believed to be equal to any portion of the Territory, and abounds in coal, iron, salt, and the precious metals, and only needs proper government protection to enable it to take a prominent position in the great march of western progress.

And in duty bound your petitioners will ever pray, &c.

WILLIAM M. CLARK,
ELBERT BESLY,
SAMUEL D. CLARK,
CHAS. R. STEITZ,
and 350 others.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kan., March 27, 1875.

This petition is respectfully forwarded through office of the assistant adjutant-general, headquarters Military Division of the Missouri, to the Adjutant-General of the Army, with the request that the War Department invite the attention of the Secretary of the Interior to the facts therein stated, which are in general known to me to be true, and suggest that the agents for these Indians be instructed to require these Indians to remain on their reservations and cease molesting white people who are traveling through or prospecting those districts of country to which the Indian title has been extinguished by treaty and in which the Indians have no right themselves to be.

JNO. POPE,
Bvt. Maj. Gen., U. S. A., Commanding.

HEADQUARTERS MILITARY DIVISION MISSOURI,
Chicago, March 30, 1875.

Respectfully forwarded to the Adjutant-General, through headquarters of the Army, inviting attention to Brigadier-General Pope's indorsement hereon. There are two difficulties in the way of preventing compliance with the wishes of these petitioners: 1st, we have no money which can be employed in the construction of the post; and, 2d, if we had the means we have not got the troops to spare for its garrison.

P. H. SHERIDAN,
Lieutenant General, Commanding.

TERRITORY OF COLORADO,
County of Arapahoe, ss:

Daniel Deffebach, of said county, being first duly sworn, deposes and says that some time in the fall of the year 1873 he bought or traded for a white pony, with blue spots, commonly called a pinto pony, of a certain Ute Indian named Colorado; that afterwards and during the same year, to wit, 1873, he sold and transferred said described pony to one William H. Fahey; that he understands and believes that said Fahey lost said pony a few days before Christmas, 1873; that some month or more ago, to wit, about the time the band of Ute Indians left the settlements for a buffalo hunt on the plains to the east of Colorado, he saw said described pony in the possession of the aforesaid Ute Indian Colorado.

And further saith not.

DANIEL DEFFEBACH.

Subscribed and sworn to before me this 1st day of December, A. D. 1873.

JOHN WALKER, J. P.

TERRITORY OF COLORADO,
County of Arapahoe, ss:

William H. Fahey, of said county, being first duly sworn, deposes and says that some time in the fall of 1873 he purchased of one Daniel Deffenbach a pinto pony; that

about a week before Christmas, 1873, said pony was missing, since which time he has not seen him; that he never sold or traded said pony, nor otherwise disposed of said pony to any one; that he paid said Daniel Deffenbach \$65 for said pony.

And further saith not.

W. H. FAHEY.

Subscribed and sworn to before me this 1st day of December, A. D. 1874.

JOHN WALKER, J. P.

UNITED STATES OF AMERICA,

Territory of Colorado, ss :

Personally appeared before me, Orson Brooks, United States commissioner in and for said Territory, J. S. Sanderson, of said Territory of Colorado, who, being duly sworn, on oath says that one pair of large strawberry roan horses strayed from Barlow & Sanderson Stage Company, at station called "Hogback," about 25 miles north of Trinidad, Colo., on or about the last days of June, 1874; and that on the 18th day of July, 1874, I found said horses in the Ute Indian camp, in or near Denver, Colo.; that I know these are the horses that belong to said stage company; I bought them myself in the city of Saint Louis, Mo.

And further deponent saith not.

J. S. SANDERSON.

I, Lewis Barnum, know the above-described horses perfectly well, and fully corroborate all the above as given by J. S. Sanderson, except that I did not buy them.

And further saith not.

LEWIS BARNUM.

Both sworn and subscribed to before me at Denver, Colo, this 18th day of July, A. D. 1874.

ORSON BROOKS,
United States Commissioner.

TERRITORY OF COLORADO,

Arapahoe County, ss :

Personally appeared before me, W. W. Denister, a justice of the peace in and for the county aforesaid, John Andrew, being of lawful age, and being first duly sworn, on oath says that on or about the 1st day of June, A. D. 1872, one brown horse pony about twelve years old, branded W on the near side and 17 on the off hip, estrayed away from my camp, about fifteen miles from Denver, on the cut-off road leading to the States; and that I next saw him yesterday in the possession of a Ute Indian; and that I never sold the said pony or authorized any one to take him from my possession, and that I am lawfully entitled to the same.

his
JOHN + ANDREW.
mark.

Attest: E. B. SLEITH.

Subscribed and sworn to before me this 22d day of July, A. D. 1872.

W. W. DENISTER, J. P.

TERRITORY OF COLORADO,

County of Arapahoe, ss :

John S. McCool of Denver, in the county of Arapahoe, and Territory of Colorado, being duly sworn according to law, deposes and says:

That a certain black or brown pony, with some white on both hind feet and white spot in forehead and saddle marks upon back and sides, about twelve years of age, with heavy mane and tail, now held by Mr. Thompson, auditor of this Territory, said to have been stolen and claimed by Ute Indians was formerly owned by the said deponent, and that he bought said pony of George Hecock, of Gilpin County, Territory aforesaid, in October, A. D. 1870, and sold said pony to Theophilus Grosclande, of Douglas County, Territory aforesaid, in April, A. D. 1871. And that said pony had been in the possession of and owned by the said George Hecock for more than two

years previous to the purchase of said pony by the deponent, and that the said Grosclande is now the just and lawful owner of said pony. And said deponent further saith not.

JOHN S. MCCOOL.

Subscribed and sworn to before me this 11th day of March, A. D. 1872.

Witness my hand and notarial seal.

[SEAL.]

JOHN W. WEBSTER,
Notary Public.

THE TERRITORY OF COLORADO,
County of Arapahoe, ss :

Theophilus Grosclande, of the county of Douglas, in said Territory, being first duly sworn as hereafter certified, deposes and says, that he is the owner of a certain gelding pony now in possession of the Ute Indians in the city of Denver; that said pony is described as follows: of dark brown color, with white strip in his face, and one white hind foot. He further deposes and says that said pony was taken from his possession at the said county of Douglas, on the 4th day of March, A. D. 1872, by a band of said Ute Indians. Affiant further says that he bought the said pony of J. S. McCool, of Denver, some time about the month of April, A. D. 1871.

THEOPHILUS GROSCLANDE.

Subscribed in my presence and sworn to before me this 4th day of March, A. D. 1872

HENRY A. CLOUGH,

Probate Judge, Arapahoe County, Colorado.

Also, Charles McCool, being duly sworn deposes as follows: I am the son of J. S. McCool, of Denver; my age is fourteen years; I am acquainted with the pony described in the foregoing affidavit signed by Theophilus Grosclande; I knew him when owned by my father, J. S. McCool; I know that my father sold said pony to Theophilus Grosclande in or about the month of April, 1871; I further say that I have seen said pony this day in the possession of the Ute Indians and have no hesitation in saying that I fully identify the pony as being the same as was owned by J. S. McCool and by him sold to said Grosclande.

CHARLES MCCOOL.

Subscribed and sworn to before me on this 4th day of March, A. D. 1872.

HENRY A. CLOUGH,

Probate Judge, Arapahoe County, Colorado.

I have also letters from well-known parties in that country describing the depredations committed upon them. They are all indorsed as to what disposition was made of their complaints. I will not take the time of the committee by reading them.

Q. Please proceed now to the immediate cause, whether direct or indirect, which brought about this trouble between the Utes and the agency, or between the Utes and the soldiers. Please state anything that you know which in your judgment tended to cause the Ute outbreak—what occasioned the dissatisfaction on the part of the Indians, or what necessitated the moving of the troops in that direction.—A. I would like to give my opinion in regard to the encroachments alleged to have been made on the reservation. I know it to be the fact that there have not been any encroachments from having lived there during the last two years and a half, and having been personally acquainted with all the people who live on the northern border in Routt County and a great many further north in Wyoming; also all of those who live on the northeastern border of the reservation. I know positively that none of them have ever gone on the reservation with the intention

of making any location or have ever expressed any desire to go there for that purpose. No parties have come through the country bordering on the northern part of the reservation for any such purpose or I should have known it. Further than that, I know that persons who have endeavored to pass across the reservation from Utah to South-western Wyoming for the purpose of going to Leadville and vicinity have invariably been turned back by the Indians, and forced to go around an additional distance of 150 miles in the face of the fact that they had assured the Indians that they did not desire to stop on the reservation only long enough to camp where they happened to be overtaken by night, and that it would save them a long journey around (a great many having started late and being afraid to undertake this longer journey), but in no case have they been allowed to proceed. Numbers of them have come to my house, which was on Bear River by the way they would have to go around, and told me their stories.

By Mr. WADDILL:

Q. How much of the reservation would they have had to cross to get to Leadville?—A. From White River it would not exceed 80 to 90 miles; by going around they would have to go about 250 by the nearest route through the Egeria Park, Middle Park, Hot Sulphur Springs, and Georgetown. The Indians have always claimed that country lying on the north of the reservation, particularly the valleys of the Bear and Snake Rivers, as their country. They have always said to the settlers there, myself among the number, that that was Ute country. They have always been accustomed to hunting there. It is probably as fine hunting-ground as there is in that country. In the spring time they follow the game up the valleys as the snow melts, clear up to the borders of the North, Middle, and Egeria Parks, staying there, as a general thing, until the snow drives the game back again. Sometimes small parties of them will go back to the reservation after their supplies, but generally they are off the reservation six or eight months in the year.

By Mr. GUNTER:

Q. Did they claim that as hunting-ground merely, or that they had a right to the land?—A. Most of them have claimed that they had a right to the land; that they never agreed to this boundary which is fixed on the map, and that consequently they were going to hold that land, and white men must not stay there. They had never made any attack upon the whites up to the time of this outbreak, but that has been the drift of their conversation. They have threatened settlers time and again that they must not stay there; that they were trespassing upon Indian country, and that it would not be safe for them to stay. They have in every way tried to annoy them by setting fires and driving their stock away.

Q. Is that portion of the State that you are in adjoining the reservation a mining or agricultural country?—A. It is an agricultural and stock country. Most of the people in there are engaged in raising cattle and horses.

Q. The mining parties are south of you, along the border?—A. They are at about the center of the reservation. There is no mining camp, that I know of, nearer to the Bear River country than that, and none on the reservation. In regard to the killing of whites, testified to by Governor Pitkin, I know the history of those murders, although I am not thoroughly familiar with the circumstances of all of them. Some of them were investigated by me while I was agent, notably that of Mr. Marks-bury, who was killed near Floracynth, in El Paso County.

By Mr. WADDILL:

Q. That was where they claimed that he was about to kill an Indian?
A. Yes, sir; but there was no such testimony in the case. I had the Indian arrested and brought him to Denver and kept him three weeks in jail trying to find testimony, but we could not find any to show that that was the case. In fact, we could not show absolutely that he had killed Mr. Marksbury, although there was no doubt that he must have done so.

By Mr. WELLBORN:

Q. What is the width of the reservation at the mouth?—A. About one hundred and twenty-five miles wide and about one hundred and fifty long.

Q. You think if there had been any prospecting parties or camps crossing the northern boundary of that reservation you would have known of it?—A. Yes, sir; I think I would have been likely to have heard of it. There are certain routes that are followed in that country. The main trail through the country from Utah to Southwestern Wyoming is down across Snake River, directly north of the White River Agency, down Fortification Creek to White River Agency, within fifteen miles of where I live, and we had mail facilities there the last year and a half, too, one route from Rawlins to White River, and the other from Georgetown to Windsor at the crossing of Bear River by this road, and, of course, with a scattered population like that, we are always on the lookout for any new people who come into the country and it is reported through the settlement very quickly, as we are curious to know who they are, where they are from, and where they are going. These, I believe, are all the facts I have to submit. If the committee have any questions to ask I shall be very glad to answer them.

By Mr. WELLBORN:

Q. Governor Pitkin said there were no well-defined monuments on that line. Is that line well fixed by reputation?—A. Yes, sir; it is well understood. I think monuments have been placed there; but the surveyor who was in there last summer, Major Oakes, told me that he was informed about where the monuments ought to be but could not find them, and he apprehended that the Utes had destroyed them, because they did not wish the boundary to be marked by any such monuments.

By Mr. GUNTER:

Q. Those depredations of which you speak, stealing property and killing people, what band of the Ute tribe perpetrated those offenses?

The WITNESS. Do you mean those in the vicinity of Denver, or in the northern part?

Mr. GUNTER. Any and all of them, so far as you know. The idea is to find who of them are lawless, and which bands are peaceable and orderly, if any.

A. So far as those about Denver, to which these letters relate, are concerned, they were usually committed by bands made up of delegations from all the seven bands of Utes. They generally met there at certain times of the year as a starting point for the buffalo ground. There were Indians from White River, as also from all the southern bands. There are three bands in the north and four in the south, and there was generally a delegation from each band. So far as these depredations on the north are concerned, they were almost exclusively perpetrated by White River Utes.

By Mr. POUND :

Q. You speak of having caused the arrest of this Indian accused of the murder of Mr. Marksbury ; was he arrested on or off the reservation ?—A. About 65 miles east of the reservation, as I recollect the distance.

Q. Do you understand that the State or the United States have such jurisdiction still over the reservation as to cause the arrest upon a reservation of Indians accused of crime ?—A. I understand that such is not the case.

Q. Then the Indians there understand that officers of the government have not the right to enter upon their reservation for the purpose of arresting them ?—A. I should judge that they did understand it, or at least that Douglas did from what he said to the sheriff ; that he had no business on the reservation.

Q. Then do you understand that undertaking to compel the arrest of these persons accused of burning houses by the military, and the entering of the military upon that reservation was regarded by the Indians as a declaration of war upon them ?—A. O, no ; not at all.

Q. Or as undertaking to enforce a right which the government in their opinion does not hold ?—A. No, sir ; not at all. The Indians are not fools nor are they children as a great many people suppose. They are thoroughly posted in all these matters. They knew exactly why the civil officer was sent there and why the troops were coming. I think they had made up their minds to destroy that agency anyhow. It would not have made any difference whether the soldiers came there or not. I think they were dissatisfied with their agent, and determined that he should not carry out the orders that he had in regard to plowing and school-teaching, and if they could not have prevented it in any other way they would have killed him anyhow, probably killed the entire party, and then said that they had got into a fuss amongst themselves and killed each other.

Q. But from what you say the attempt to make these arrests on the reservation was going beyond the general authority of the government ?—A. Yes ; I had some doubts about the matter myself, but in consultation with the judge who issued this warrant he informed me that it could be served on the reservation and so indorsed it, ordering the sheriff to serve it anywhere in the State.

By Mr. GUNTER :

Q. If I understand you correctly the judge indorsed upon the writ to execute it anywhere within the State, but gave no authority to execute within the reservation.—A. The indorsement was "anywhere within the State of Colorado." That was intended to cover the reservation, because we discussed that very question, and I told him what my doubts were in regard to the authority of a civil officer on the reservation, and he said "I will put an indorsement here which will settle that question."

Q. Was he the judge of the circuit court or of the district court of the United States ?—A. He was the judge of the State district court and is now a judge of the supreme court of the State.

By Mr. POUND :

Q. In your experience and in the discharge of your official duties as Indian agent and timber agent you would not undertake to serve a process or ask to have one served upon a reservation for the arrest of an accused Indian, would you ?—A. No I do not think I would.

Q. When was that attempt to arrest the parties at the agency, as de-

tailed by you, made?—A. I do not know that I can fix the date exactly. It was early in September last; I think about the 9th.

Q. Have you stated all you know of your own knowledge or from well authenticated sources as to the causes of this outbreak?—A. Yes, sir; I think I have. My impression is that it is simply the natural consequence of utter depravity and cussedness on the part of the Indians. I do not know anything else.

By the CHAIRMAN:

Q. Is there or is there not a good deal of feeling in Colorado against those Indians?—A. I can only speak for myself. There is a good deal of feeling on my part.

Q. How is it about the citizens generally?—A. I imagine that they do not feel very kindly towards them.

Q. Has that not been manifested to the Indians in such a way as to get up a good deal of bad feeling between them and the whites?—A. No. I think not particularly, not up to the time of this massacre. I think the people generally before that time submitted very quietly to a great many of their annoyances and have not felt particularly bitter towards them. There have been a great many cases where these border settlers have acceded to their demands for food and everything of that kind, have treated them kindly, and endeavored to avoid any appearance of ill-feeling towards them. That has been my experience.

Q. What has been the character of these Indians in their relations to the whites up to the time of this outbreak?—A. Well, they have always been looked upon as what we call peaceable Indians, not warlike.

Q. Were they well disposed?—A. They were always exceedingly well disposed when about the cities or large mining camps; exceedingly well behaved indeed, but if they got away from the cities or camps and around solitary ranches or a ranche where there was a woman at home alone and the man away they would act very differently; take possession of the house and order things about.

Q. Was that conduct very general, roaming outside of the reservation where they would find a ranche unprotected?—A. Yes, sir; very common. These complaints that I have put in here as evidence are only a very small portion of the number that came to my knowledge. I investigated and settled a great many without reporting them to the Commissioner. There were a great many cases where I did not think it was necessary to worry him with a long report, and I took personal cognizance of them and settled them in the best manner I could, generally satisfactory to both parties.

By Mr. HASKELL:

Q. You have testified to the filing of some \$6,000,000 of claims on the part of various citizens of Colorado for damages committed by the Utes; is it a matter of common notoriety in the State and along the border, the murders of white citizens by the Indians in the last fifteen years?—A. Yes, sir; it is very notorious.

Q. In your judgment, and from the information that comes in that way, how many such murders have been committed?—A. I know of over forty that have been committed by Utes in Colorado.

By Mr. GUNTER:

Q. Within what length of time?—A. Within the last eighteen years, the greater portion of them within the last ten years.

By Mr. HASKELL:

Q. Your opinion is that the unpleasantness between the whites of

Colorado and the Indians arises out of these depredations upon the property of the citizens and these murders. That is the grievance that the whites have against the Indians?—A. Yes; that would be a natural feeling, of course. What grievance the Indians have I do not know and cannot imagine.

Q. Do you know whether any Indians have been killed by white people in Colorado?—A. I have never heard of but one, and that was the Indian who was killed in Middle Park in September, 1878, I think. I heard the story from the lips of two eye-witnesses. He was a member of a party of Indians who had been out on the plains hunting antelope and chasing wild horses, and who it was supposed killed Mr. McLean, the circumstances of which were testified to by Governor Pitkin. After this murder the party broke up and the band in which this man was went across the mountains on their way to White River, and stopped at White Sulphur Springs. On the way over they threatened a good many people, and at the place called "Junction" they took possession of a meadow where a man was cutting hay and had part of it stacked. They threw down the fences, drove their ponies in, and when he begun to remonstrate they ordered him away. He went to the house and got his horse and quietly rode to Hot Sulphur Springs and reported, and a party started out to assist him in driving them off his property. This Indian was recognized by one of the posse as an Indian whom he had seen in North Park years before, when he was in there with other miners; he had taken the hint and left, but the others who remained were killed afterwards by the Indians. This Indian and this white man recognized each other, and as the white man rode past the Indian to get a nearer view of him the Indian was sitting with his gun across the pommel of the saddle, and he threw it over and, holding it by the stock, struck at the white man and immediately recovered it again, and tried to pull the case off it (they generally carry their guns in a leather case), but there happened to be a hole in the case which prevented it from coming off easily, and the other man seeing the motion, raised his gun, which had no case on it, and shot the Indian dead.

Q. Was there any other loss of life in that encounter?—A. Not in that encounter.

Q. Was there any immediately subsequent to that by either the same party of Indians or the same party of whites?—A. This same party of Indians broke up immediately after this encounter and started to White River, and a few miles below Hot Sulphur Springs they saw a man named Elliot standing in his door-yard chopping wood, and they rode up to his fence and shot him. He did not give them the slightest provocation; he was attending to his own business and did not speak to them at all, I believe.

The following are the additional letters and statements referred to in the foregoing testimony.

Adjourned to Thursday, February 5, 1880.

WASHINGTON, *February 5, 1880.*

WILLIAM N. BYERS sworn and examined.

By the CHAIRMAN:

Question. State your residence and occupation.—Answer. I am postmaster at Denver, Colo., at present.

The CHAIRMAN. We are investigating the late Ute outbreak, and have sent for you to give us such information as you may have on the subject. If you know anything which will throw any light upon it please state it.

The WITNESS. Do you desire that my statement should go back any considerable length of time?

The CHAIRMAN. If you are satisfied that it will have any bearing on the subject we are investigating. We do not want any evidence which may or may not show that the Utes should or should not be driven from Colorado. What we want is anything which will throw light on the cause of the Ute outbreak, and you can carry that back a year or two.

The WITNESS. I think I can consistently carry it back about five years for the first indications of dissatisfaction, and even before that time there were indications of dissatisfaction, which gradually grew and culminated in this outbreak. About the year 1875 was the beginning of my intimate acquaintance with the White River Utes. At that time they called themselves the "Middle Park Utes," or, at times, "Denver Utes," because they had got in the habit of spending a good deal of time about Denver, where there were a great many attractions for them; but they were generally known as Middle Park Utes, because that park was rather the center of their hunting-grounds and more their place of resort than any other. In 1875 they first began to express their dissatisfaction to me with the white occupation of the country, or a portion of the country, which they claimed as theirs, and also their dissatisfaction with the chieftainship of Ouray, and they told me at that time that they were determined to either depose or destroy him, because they said he was an interloper; that he was not a true Ute, and they desired to have one of the White River or Middle Park Utes for their head chief. I suppose you gentlemen understand their tribal relations; that they are a number of tribes confederated together, each one of the tribes having its own chief of the tribe; and Ouray being recognized as head chief of the confederation. He had been chosen from the Los Pinos branch of the Ute nation, and the White River Utes were very jealous of him. The divisions are substantially the same now as they were then; although there are all the time changes taking place by defections, Indians going from one tribe to another because of local dissatisfaction or local quarrels, sometimes caused by personal assaults or murders committed by one Indian upon another. On such occasions the murderer generally leaves his own band and goes to another. I know a number of instances of that kind. That summer I was in Middle Park making some improvements, and this White River band came to my place. They were under the leadership of Pant, an old man, but Antelope was at that time their recognized tribal chief. They came to my place I should say in July. Antelope was not with them. They explained to me that he had gone on a visit to the Southern Utes, and then they went on to state that they were getting up a combination to effect the destruction of Ouray, and that Antelope had gone down to look over the ground, and hold such intercourse as he could with the Southern Utes, with a view to that final result. This was in 1875. On my asking their reasons for disliking Ouray they said, first, that he was an interloper, not a true Ute, and in the second place, that he had defrauded the White River band in the treaty of 1868; that money had been paid to him, and kept by him and his friends, which should have been divided among the Indians. They were very bitter and outspoken against Ouray and against some white men who were concerned at that time in the management of Indian affairs in and

about the Southern Agency, and one man who was a contractor for supplying the Southern Agency. They classed them all together, and said that they were using the Utes' money and dividing it among themselves. They stayed there at my place a number of days, and then moved on to White River. Afterwards they expressed again and again the same dissatisfaction with Ouray, and with the occupation by the whites of the North Park and the country north of the reservation, which is now called the "Snake River country," and designated on the map as Routt County. They did not recognize the treaty of 1868, by which those lands had been sold—the lands lying north and northeast of the reservation, including the North and the Middle Park and what is now Routt County. They denied that it had been ceded, and said that it was Ute country.

By Mr. DEERING :

Q. Do they still persist in that denial?—A. Yes, sir; they still persist in that denial in talking with any one who will not dispute them directly, but if any one disputes them, they then admit that there was a treaty, but say that it was not a just treaty to them; that it was made by Ouray and others of the Ute Nation without the consent of the mass of the nation.

Q. Then that accounts, to some extent, for the fact that they have frequently undertaken to drive out miners and others from that portion of the country.—A. Yes, sir; every year since, as an attempt has been made at settling that part of the country, they have ordered the people out. I have been ordered out a number of times myself. Finally, as a compromise, about 1875 they said that we might build two houses in Middle Park, that I might build one on the north side of Grand River, and a man named Ganson on the south side. We had already built those houses, and they consented that they should remain, but they objected to any more being built, because they said it was on Ute ground, and they wanted to save it for Ute deer and antelope. They claimed that they had been wronged in this treaty and they laid the blame principally at that time on Ouray and other influential men who had acted, they said, without authority. The year before we took in stock and fenced the ground. They objected bitterly to the bringing in of cows; they did not object to horses, but they objected to cows, and to fences being built, and to the plowing of the ground. They think that the coming of cows is immediately followed by the occupation of the country by permanent settlements. Horses they do not connect so much with permanent settlement as with the transient travel through the country.

Mr. DEERING. They regard the cow as leading the advance of civilization?

The WITNESS. Yes, sir; they regard them as indicating the settlement of the country.

Mr. WADDILL. Then their idea is opposition to settlement.

The WITNESS. Yes, sir; they seem to draw the line at the introduction of cows, the building of fences, and the plowing of the ground. In the fall of that year after we had made a good many improvements in the park about the Hot Sulphur Springs, Colorow came there. I took him into my house and he ate at my table and slept in my house for a number of days. Finally a party of railway superintendents and general agents came over there on a kind of pleasure excursion. They came to my house in the afternoon. I was superintending some work outside. Colorow had been sleeping and had just got up. He was naturally a great curiosity to them. He could talk some English and some

Spanish and he really was the most characteristic of any man, perhaps, among the White River Utes. He was telling these men about how the Indians were imposed upon by the settlers coming into that country, and particularly by my own occupation of the country, and he denounced me very bitterly in my hearing, although he did not think, I suppose, that I was paying any attention to his conversation. After he had got through with his abuse I stepped up to him and told him that he had enjoyed my hospitality a great number of times, had slept in my house and eaten at my table, and that this was the reward I received for it, his personal abuse of me to these gentlemen who had come there on a visit to me. He seemed to realize the justice of my complaint, and from that time on he never came near me or spoke to me until the fall of 1877, something more than two years later. Colorow had generally led in the warnings to white settlers to leave the country; he had been the most aggressive of any of the Utes, the most independent, outspoken, and decided in his warnings, and had generally been the spokesman, not only in that part of the country but also up the Blue River Valley on the borders of the mining settlement, on Swan River, the headwaters of Blue River, Georgia Gulch, Buffalo Flats, and the other mining camps. It was very common for him to go in there and intimidate women and children. I have known of his going to a house, and finding a woman at home alone, take her by the hair and make the motion of scalping, and warn her that if she and her people did not leave within a certain number of "sleeps" he would scalp them. I never knew of his going further than those threats, but that created, of course, a great deal of alarm. I never paid any attention to his threats, because I never was in any fear of violence at his hands or any others, but a great many were. Whenever the Indians came in and made these threats the timid people "stampeded," as we say. This was especially the case with strangers or other parties who were traveling about; camping parties, which are very common in the summer season. Whenever the Indians came across that kind of a party they generally intimidated them and exacted from them supplies—provisions, flour, tobacco, and ammunition—and they usually warned them to leave within a certain number of days—two "sleeps," meaning two days. They gave them two days to get out of the country, and they generally got out. That has occurred every season since I have been familiar with them in that part of the country up to and including last season. I was in the Middle Park in the early part of the last season before they came in there. My son spent the summer and fall there, and came out a short time ago, and what I know about last summer's operations is mainly from reports that he and others have given me. The Indians drove off persons who were prospecting and mining, traveling through the country and camping, and new settlers who had gone in to make homes. These parties were driven out of the Middle and North Parks and from the Bear River and Snake River country. The Indians came there in June. I left the park the 1st or 2d of June, and they have been there since. Shortly after I left, my son and others began mining for the season on the headwaters of Muddy, in the Middle Park. Soon after they got to work a party of Indians came there and warned them to leave in two days, and after giving the warning they went out, and in their presence began firing the prairie and the timber. The men, partly through fear of their threats and partly from the discomfort occasioned by the smoke, abandoned their work. In two localities where my son was, they had abandoned their work without making a clean up of their sluices. In the fall of 1877 I was on Bear River myself north of the reservation. I had been up to Hahn's Peak. I was

with a hunting party that had been hunting on the Elk River, and I had gone over from there to Hahn's Peak, leaving the party with their main camp on the Bear River, and had appointed a certain day to meet them at Steamboat Springs. I came down to Steamboat Springs two or three days before the balance of the party came up. Soon after I reached there Colorow came to the springs, and when he saw me he came up and offered his hand to shake hands. That was the first time he had spoken to me since our little quarrel two years before. He said that his camp was up the river a short distance, and that Jack's camp was also there. Afterward, the remainder of my party came up and we moved up the river about a mile, and were there in camp a number of days, and Colorow and Jack and members of their party were frequently at our camp, begging and trading and hanging around the camp. There were a great number of fires burning in the neighborhood, some in the timber and some on the prairie. I remember that there were five very large fires, three of them entirely up on the slopes of the mountains in the timber; two of them were down on the foot-hills burning over ground that was mainly prairie but with clumps and groves of timber here and there. I asked Colorow why they had kindled the fires; he said it was "to make heap grass next spring for ponies." I directed his attention to the fact that most of the fire was burning in the mountains where no grass grew, and he declined to answer any questions upon that subject. I told him then that I was satisfied, and had been for two or three years, that they were trying to destroy the value of the country for the white man; which he did not deny. I had been satisfied for two or three years before that they were systematically burning the timber outside the reservation. That season there were a great number of fires burning, and last season (1879) they pretty well completed the destruction of the timber over all the country north of the reservation and, to my knowledge, of the country east of the northern part of the reservation.

By Mr. WADDILL:

Q. Did these fires absolutely kill large timber?—A. Yes, sir. When a fire gets to sweeping through those forests it not only kills everything, but it moves so rapidly as to destroy animals and human life. I have known men and horses to be burned to death.

By Mr. DEERING:

Q. Do I understand you to say that they were particular to burn the timber on the north and east of the reservation without burning that on the reservation?—A. Yes, sir.

Q. They seemed to distinguish between the two?—A. Yes, sir; they distinguished between them very carefully and closely. At that time there was very little living timber north of the reservation. They even went along the streams, where the timber was in small groves, and fired it in a great number of places, because near the streams and in the valleys the fire would not extend for any great distance; it would be cut off by little tributary streams or by sloughs, and to overcome these obstacles they would go around and fire it again.

By the CHAIRMAN:

Q. Were there any fires on the reservation?—A. In the fall of 1878 I traveled over the reservation over one hundred miles in pursuit of a band of Indians who had committed a murder in Middle Park and stolen a band of horses. That was the first time I had been over the line of the reservation. We struck the reservation at its eastern boundary,

where the Grand River crosses it, and we traveled diagonally about one hundred miles before reaching the agency, and in traveling that distance I saw not more than five hundred acres of timber killed by fire. That proved to me that they had been burning systematically off the reservation and preserving the timber carefully on the reservation. Then, after leaving the agency, we went out and struck the northern line. We left the reservation on its northern line, where this Milk Creek battle occurred, and the moment we got off the reservation we again entered a region where nearly all the timber was killed and the country burned over. In passing out that way on the next day after leaving the reservation line we met Douglass and five other Indians, accompanied by Curtis, the interpreter, going into the reservation. We stopped and had a talk with them, and I called their attention to some smoke that was arising back in the direction from which they had come along their trail, and asked if they had noticed those fires and where they were. They consulted among themselves, and then explained to me, through the interpreter, that the fire was a long way off, that they didn't believe they had kindled it, but that it might have started from their camp-fire the night before. We met them just after we had started from our noon camp. I directed their attention to the fact that the smoke was arising between us and a range of mountains directly in advance over which they must have come, and that it must be on their trail. Finally, Curtis said that it might have started by the throwing down of a match which had been lighted to light a cigarette, but he said, "You will ride a long distance before you find that fire." There was a sharp ridge that they had just come over, and when we crossed the ridge we saw the fire not more than two miles from the place. We found the country fired in three places within a distance of half a mile, which had not yet communicated with each other. That was in a country covered by grass and sage brush, but surrounded by more or less timber. And there were three fires; showing that it could not have been an accident. Three fires were kindled along the trail, two on one side and the other on the opposite side. When I got back home I wrote to Curtis and asked him to call the attention of the Indians to it, and say that the burning of the country was not going to be permitted much longer by the settlers; that they would make serious trouble if it was continued. He wrote that he had explained my letter to the Indians, and they had promised that there should be no more fires kindled. I can relate an incident which is, perhaps, as good an illustration of the spirit of the Indians as anything that I can tell, if you care to hear the story. A good portion of it occurred in the presence of Agent Meeker, his family, and the attaches. There had been a band of Indians out on the plains east of Denver, near Cedar Point. That was in the fall of 1878. They had spent most of the summer there hunting antelope and buffalo. The band was made up of about two-thirds White River Indians and one-third Uncompahgre Indians, Ouray's immediate band; Los Pinos, they call themselves. They were recognized by whites and by the principal members of the tribes themselves as partaking largely of the character of outlaws or renegades, members of the tribe who wanted to get beyond the restraints of their immediate tribal government. Such bands are very common among Indian tribes. They had made their rendezvous at Cedar Point or near there most of the summer. In August a man named McLean disappeared, and it was charged that he was killed by those Indians. McLean was a cattleman; he had a large herd of cattle near Cheyenne Wells, on the Kansas Pacific road. This camp of Indians were charged with his murder. The cattlemen

became very much excited and began to threaten the Indians so seriously that they abandoned their camp and started for the mountains. They passed through Denver, and there they got some whisky and got into a very bad scrape. Two or three of them were thrown into the calaboose for a night or two and released after they got sober. They passed up by the way of Georgetown and crossed over into Middle Park. After they passed Georgetown they became very insolent along the road, stopping travelers and insulting them and demanding provisions and supplies, and it was reported that they were under the influence of liquor. I have no doubt that was the fact. They came down to W. Z. Couzens's, who lives at the head of the open country of the Middle Park. He is an old frontiersman, very courageous. They went to his house and ordered him to leave and to take his goods away, and demanded that his wife should cook for them. Couzens defied them and ordered them off his premises. After some very bitter and violent threats they apparently became satisfied of his courage and moved on down the park. They went down about six miles farther to a settlement known as Junction, where two roads came together. It was occupied at the time by only one man, who was haying as they came along. The band was led by Washington, of the White Rivers, and Piah, of the Uncompahgres. They ordered this man out of the meadow, moved their camp into it, and turned out their horses, something more than a hundred head, and took possession of the premises. They told this man that they wanted pay for his ranch. That he must pay the Utes for it. He told them that the country had been bought by the government, and then they repeated the old story that Ouray had sold it without their consent and cheated them out of the money, and now Piah must be paid for it. They broke up this man's mowing implements, scythes, and rakes, threw down his fences, and demanded supplies of him. They scared him so badly that he left the place as soon as he could get away. He was afraid to go out for fear they would kill him.

Q. Is this of your own knowledge or common rumor?—A. I was there within sixteen miles at the time, at Hot Sulphur Springs. I did not see this, but it came to me by the mouths of a great many people. The Indians demanded pay for this country. On the next day, or the second day after they came there, they agreed with this man that he might have a certain portion of this meadow, and save the hay for himself, and they would take the balance. They marked off a small corner of about five or six acres of grass (there being about eighty or ninety in the meadow) which they said he might have, and they would have the remainder. This was about 110 to 120 miles by the traveled route from the reservation, but by an air-line about 65 miles. This man came down to the Springs for assistance and appealed to the sheriff of the county, whom I know very well. The sheriff raised a posse of nine or ten men and started off on Sunday morning to go up to this ranch and dispossess the Indians. They came over to my house when they were making up the posse and asked my son to go. We were at the breakfast table at the time. My son went along and I excused myself. I had been out three or four days on a very hard trip, and declined to go. They started off probably about nine o'clock in the morning, and went up to this ranch sixteen miles, found the Indian camp in the meadow, the Indians themselves being about a mile distant, where they had prepared a race-course for racing their horses; the squaws and the children were at the camp. The sheriff went with his posse to the camp and took possession of the guns that were lying around there, six or eight in number, and sent word to the Indians, or rather one Indian who was near there went

off as runner to the race-track to warn them. They came back in a good deal of alarm, apparently, to the neighborhood of the camp, came charging back on their horses. One of their number, as they came up to where the white men were, attempted to draw his gun, with demonstrations of shooting a man who was of the sheriff's posse, known there by the name of Big Frank, a miner, who was interested over in the North Park mines. As it was told afterward, this Indian and Big Frank had had some unpleasant differences some years before, and each, having a grudge against the other, was watching him, and when the Indian attempted to draw his gun Big Frank drew his and shot and killed the Indian. The horse ran off a hundred yards, perhaps, when the Indian fell off into the willows and he died in a few moments. The Indians immediately broke up their camp and went on down to the neighborhood of the Springs along with the sheriff and his posse, all traveling down the road together. They carried with them the body of the Indian who was killed. They made their camp a mile and a half away from the Springs, remained there that night, and next day passed on down the Park and disappeared from our sight; but on the second day reports came back that they had killed a man named Elliott in the lower part of the park, and that a number of horses were missing. There was a little scouting party sent down to verify the rumors that came from below, and they came back a few hours later and verified the reports of the killing of Elliott, who had been the lowest settler in the park, and the loss of the horses. Steps were immediately taken to raise a scouting party and follow them down towards the agency to recover the stolen horses, and there was a party made up. Major-General D. J. Cook, of the State militia, had been sent in in the meantime, and he took charge of the organization. I was one of the number who followed the Indians. There were twenty-six of us altogether. We made our preparations and started off with about two hours' notice. We followed down the park to where Elliott had been killed. On the way down we met Elliott's widow and his son coming up with his body to bury him at the Springs. We camped the first night at a settler's house, near where he was killed. We found the whole lower park in an uproar, and the people collecting together for mutual protection. It was in the midst of haying time, and they had abandoned their work and gathered up their families and horses and collected at two points below the Springs, and a good many had come up to the Springs and some had gone out of the park. We went over to Elliott's cabin next morning. There we divided and took the trails that the Indians had followed over the mountains towards the reservation.

By Mr. DEERING :

Q. Did they pretend to have any provocation ?—A. No, sir ; no provocation except the killing of this Indian in the Upper Park. There was no quarrel between them and Elliott. We divided at Elliott's house so as to follow the two trails over the mountains in pursuit of the Indians. Soon after leaving the Elliott cabin, the party that I was with found the main trail of the Indians where they had driven a herd of horses. A little later on we found where one Indian scout had followed after the main band. At a distance of about twenty miles these trails came together, and we found that where there had been one scout on our trail there had been four on the other trail, showing that there had been five men who had remained behind the main band for the purpose of killing Elliott. They had waited until the band had got over the mountains with their herd of horses before they made the assault upon Elliott ; then they had killed him and had attempted to drive off his horses, but

had lost them in the mountains, as they afterwards explained. They saved one mare and colt, I believe, but the balance got away from them, so they claimed, but they have never been found since. They came together about twenty miles from where the murder had been committed. There were five men, as we could tell by the trail, and they had seven animals, five horses ridden by them, one loose horse and one colt. We followed their trail until they joined the main band. The main band divided and passed over the summit of a high ridge of mountains, while this little scouting party had kept around on the flank of the mountains and had not joined the main band until they came to Piney River. There they joined and went down the Eagle River to its mouth, where they entered the line of the reservation. It crosses right by the mouth of Eagle River a short distance above or below. They had ascended a mountain out of the valley of Grand River; and on the table land they had made a camp, and about one-third, with one third of the loose stock, had turned off towards the Uncompahgre Agency, and two-thirds with two thirds of the stock had continued on towards the White River Agency. We followed that trail to the next camp. There our party, or a great many of them, became very much discouraged or demoralized. We were almost out of supplies, and sixteen out of the twenty-six turned back. We were on the reservation, and a great many of them had very serious scruples about our right to go upon the reservation, and the consequence was that we held a council of war, and sixteen of the twenty-six turned back. Ten of us continued on to the agency. This killing of the Indian occurred on the first day of September. The murder of Elliott occurred on the evening of the third day of September. We set out on the fifth day of September. We reached the agency on the morning of the 9th. It was on this journey that we passed over this 100 miles of the reservation and found the timber all green and none burnt. Within four miles of the agency we came upon the first camp we had seen, which appeared to be the camp of a subchief who is known by the name of "Judge." It was a herder's camp. They had moved out there with a band of horses and were herding the horses and fishing in the White River, and the women were gathering berries and nuts and drying them. They had no warning of our approach until we were coming down the mountain directly into their camp. We were leading our horses. The mountain side is covered with a very thick growth of brush just about as high as a man's head, a kind of chaparral, and the road zig-zags back and forth, and the Indians apparently did not discover us until we got within a quarter of a mile of the camp, and then they saw our guns gleaming over the brush, or perhaps caught sight of our heads or the heads of our horses. It was just before noon. The moment they discovered us they raised a great alarm, abandoned the horses; those who could sprang on horses' backs and rode off toward the agency, and those who could not, hid in the brush. We followed down leisurely, and by the time we reached the camp we could not see a living creature except the horses; the Indians were all gone, even the dogs had disappeared. We followed down to the agency, and when we came in sight of it we found the Indians drawn up in line of battle, ninety-two of them, mounted and with arms in their hands. I was riding in advance of the party, and had ridden up within seventy-five yards of their line, perhaps, when an Indian whom I knew very well handed his gun to another and dashed out of the line. His name is Musisco, but he appears in your minutes by a slightly different name. He held out his hand to shake hands. I took it and said, "How do you do?" Another one, an old Indian probably 80 years of age, half demented and known as "the Doctor," came

behind him, with a little United States flag on a pole ten or twelve feet long. He came out on foot. I shook hands with him and rode along the front of the line to the gate of the inclosure which they have on one side of the agency building. At the gate I met an employé of the agency, a blacksmith, who opened the gate and we rode inside. I found Mrs. Meeker there. I inquired for Mr. Meeker. They said he was down where they were making the improvements for the new agency. I asked if there was a boy who would carry a message down to him for me, and they brought an Indian boy; I wrote a note and started him off. The Indians immediately began to inquire why we came, and whether there was a large force of white men coming after us. I declined to answer them until Mr. Meeker came, telling them that they would have to wait until he came. They were very anxious to know how long we were going to stay. The agency people provided dinner for us, and about 3 o'clock in the afternoon Mr. Meeker came, and we immediately went into council in the council room of the agency, which was about two-thirds the size of this. The Indians crowded in, as many as could, and our party were all there, and the agent was there. By an agreement, it was determined on our part that I should do the talking; and we sat around there on beds and benches. I told them what we came for; and we wanted to learn who had killed Mr. Elliot and the reason why he had been killed; and we demanded the return of the horses they had stolen from Middle Park. We did not demand any others. On our way down we had found our stolen horses on the side of the mountain where they had been apparently secreted, near the trail we were passing down. We had seen and counted them. The Indians immediately told us that we should have the horses, but they parleyed a good deal over the Elliot murder, declining for the time being to tell us who did it. We talked a good while. Most of the talking was done by Colow, Douglas, Sahwitz (who appears here as Sowerwick). Washington was present, but did not take any part in the conference. Washington had been the leader of this predatory band on the part of the White River Utes; Piah was the leader of the others. We talked a good deal that afternoon, and during that conversation I discovered the first evidence of dissatisfaction with Agent Meeker. Mr. Meeker would occasionally interpose a remark; he didn't say much, but I observed when he made his remarks that they were displeasing to the Indians. This was in September, 1878. Finally, after repeating our demand for the horses, Mr. Meeker said, "Yes, they must be given up." He said it in a somewhat emphatic tone, and Colow sprang to his feet and said, "Meeker, you no talk; we no want you talk; you let Pius (Byers) talk;" and as he said that the Indians all around the room grunted their approval. That was the first evidence that they were dissatisfied. After talking an hour or two they suggested that we adjourn the council until next morning, and we did so. That evening I spent in Mr. Meeker's house. Several Indians came in there to talk; one of them was quite intrusive. I cannot think of his name now, but he is one who has not cut any figure recently. He was then, however, quite an influential man, and I learned afterwards that he was one with whom Mr. Meeker had had quite a serious altercation some little time before. It was not Johnson. This man crowded into Mr. Meeker's house while we were eating supper, and said that he wanted to talk with me. After supper, when I came out, he did not manifest any desire to talk, but sat there and did not do any talking. Immediately after supper Washington came in. He had a sore arm, which many believed was a wound received at the time Mr. McLeau was killed on the plains,

but there has never been any evidence of that fact. We had a surgeon with us, a very accomplished young man, and he undid the bandages and washed and dressed the Indian's arm in splints, and again the next day. After supper, these Indians not continuing the conversation, Mr. Meeker asked me to go over to his private room, which I did, and we spent the evening there talking, and he revealed to me a great deal of the dissatisfaction that existed, not only on the part of the Indians but on the part of himself. He told me that his position there was entirely a thankless one; that the Indians were destitute of gratitude; that they thought the only thing that a white man was good for was to provide for them in the first place and to wait upon them in the second place. Then he told me about the altercation with this man that I have referred to. Mr. Meeker had planted a garden along the river, near the agency, and had a lot of vegetables growing, and on the occasion of this unpleasantness he had gone down to gather some vegetables for dinner. While he was in the act of doing so this old Indian came and ordered him out of the garden. Mr. Meeker continued gathering his pease, and finally the Indian came up and took him by the shoulders and whirled him around, and said, "Ute ground, Ute potatoes, Ute want him, Ute eat." I think Mr. Meeker said that that was the first personal difficulty he ever had had with any of them, and it seemed to rankle in his mind a good deal, and he said that this man had made a good deal of trouble. Douglass at that time was very friendly. He was living in a house which had been built by the government, and milking a cow which had been provided by the agency and was taken care of by the agency herdsmen, and three other Indians were doing the same thing. There were four Indian families, each of them milking an agency cow, and three of them were living in houses. One house built for the Indians was standing vacant. Next morning we resumed our counsel, and I had set noon to leave the agency. The Indians were very anxious that we should leave and get off the reservation. I had explained that the only object we had in remaining there was to recover the horses, and as soon as they were surrendered to us we should leave the agency and the reservation by the most direct route. They brought in all the animals but two, one pony and one mule; those they refused to bring. I repeated my demand, and by and by they brought in the pony. There was still one mule lacking, and it had reached noon. Just as I went to my dinner in Mr. Meeker's house I spoke to a young Indian that we called Jim, who had been acting partially as interpreter, and told him I wanted that mule by the time I had eaten my dinner, because I was going away and could not go without that animal, and that I wanted him to go to Sahwitz and tell him that it must be brought. When I came out from my dinner the mule was there; all the animals that we claimed were ready for us, and we saddled up and started off, two of the Indians going with us. I had promised to restore their guns that had been taken by the sheriff the day that this young Indian was killed, and which had not been restored to them. I told them they might send those two Indians with us to Hot Sulphur Springs, and I would answer for their safety. The Indians selected to go with us were Mucisco, who had been my friend since 1875, and another one named Uncomgood; both very intelligent and very pleasant men to get along with. Mucisco could talk some English, and Uncomgood was very desirous of learning English words; so much so that he would sit around the camp fire at night and explain Indian words the best he could and ask the names of this and that in English. I thought those two Indians were very conservative and desired to better the condition of their people; I always

did think so until last summer. They traveled back with us to Hot Sulphur Springs, I think five days' march. The first night's camp after leaving the agency was where this battle occurred last fall, at the crossing of Milk Creek, right at the line of the reservation as we then understood it, and as we understand it now. We made our journey back to Hot Sulphur Springs. I procured the guns from the sheriff and restored them to the Indians. They staid at my house two or three days and started back, and I never saw them again until they came out for a conference with Governor Pitkin in August last. I want to explain to you their reason for killing Elliot. I discussed that point repeatedly with them when they were all present. We had two interpreters, this young man named Jim and a woman known as Jane. She is a Uintah Ute, but married into the White River tribe. Her husband is rather an insignificant man in the tribe, named Pah-vits. The woman is very smart and talks quite fair English, having lived for some years in the family of Judge Carter at Fort Bridger, in Utah. She was our principal interpreter. They did not deny the killing of Elliot. They said he was killed by Piah and one other Ute. They never would agree to tell who that other Ute was, but said that he belonged to the Uncompahgres. They pretended that they did not know his name. They claimed that that Indian was a brother of the Indian killed in Middle Park on the 1st of September, and that he killed Elliot with the gun that belonged to his brother, a Winchester rifle. I have no doubt of the truth of that statement of the manner of killing; in fact it confirmed what we already knew. They had no hesitation in saying that they killed him because the Indian had been killed, and that that was justice. "One Indian killed, one white man killed; all right; pretty good." They did not manifest any animosity beyond that, but they claimed that they were justified in killing him in the way they did for the reason that an Indian had been killed. I tried to impress upon them the injustice of that idea. I went over the ground a dozen times and illustrated it, but they never would admit it. They thought their own custom just and that nothing else was. They had no excuse for driving off the horses except that they said it was an unlawful proceeding by this roving band, who they claimed were outlaws, and that the regular band ought not to be held responsible for that, and they were willing to compel the surrender of the property. I think we recovered every horse they had stolen from our part of the country, but they had horses that they had stolen from other places. They did not deny that. These Indians traveled back with us and we were good friends. I told them we had but two demands to make: one was that they should not steal any more of our horses, and the other that they should not burn over any more of our country. This was a feature of the conversation at the agency that I did not touch upon in the direct statement of the incidents there.

By the CHAIRMAN :

Q. Did you learn what their complaints were against the agent?—A. They did not make any complaint at that time, but I have learned since what the causes of their complaints were. Last August, immediately preceding the outbreak, they sent out a delegation to Denver, consisting of Jack, Sahwitz, Mucisco, and Uncomgood. When they came to Denver they came to me, because they were better acquainted with me than any one else in Denver, except Major Thompson, and they had fallen out with him some time before. They first said that they had come out to see General Pope; that they had heard that he was there. I told them that he had been there a few days before, and if they

wanted to see him and would wait I thought I could promise that he would come back that way ; he had gone down to Pagosa Springs. But the moment I told them that, they seemed to lose interest in seeing General Pope, and said they wanted to see Governor Pitkin, and wanted me to go with them and talk with him. Jack at that time was very bitter in his denunciation of Mr. Meeker ; he said he was a bad man. He told me so and he told Governor Pitkin so twice in my presence, on two successive days. I went with them to the governor and they had their talk, and we went out in town. I made them a few little presents and they went down to their hotel. Later in the day they came to see me again, and the next morning they came and wanted to have another talk with the governor. Their complaint was that Mr. Meeker was a bad man ; they wanted him removed and wanted another agent ; they would not tell who they wanted. Their objection to Mr. Meeker was that he wanted to educate their children, to fence and plow their ground, and to build houses, which they were opposed to. They were afraid it was going to lead to their being obliged to work, and they did not want to do that nor to have their children educated. I went with them a second time, and they went over the same ground with the governor. He asked them if they had any complaint to make about the white men encroaching upon the reservation. They made none. They did not seem to know or care whether the white men were on their ground or not. At all events, they did not complain of them, but they complained of Mr. Meeker on the grounds I have stated. Another complaint was that the beef that was being distributed to them was being killed out of the Indian herd, and that it was not right, they claimed, that they should be allowed an undisputed control of the herd for their own use, and that the beef distributed should be otherwise provided.

By MR. GUNTER :

Q. What do you understand by Indian herd ? Do those cattle belong absolutely to the Indians, or are they cattle that the government have for their use ?—A. It is a herd of cattle that were bought by the government for the Indians' use, in the spring of 1869, I think, immediately following this treaty of 1868, by which they were to be provided with a certain number of head of cattle and sheep. The White River Utes have eaten up all their sheep and have only this band of cattle, but it seems to have been recognized, I think, by both whites and Indians, that the Indians were to be fed from this herd, and the beef which has been given out to them in their weekly issues has been killed out of that herd. I never knew of any objection until this by Jack and his companions, when they claimed that the beef ought not to come out of the herd ; that the herd belonged to the Indians and the beef ought to be drawn from some other source. He was very strenuous in regard to that. He said also that he wanted some horses and wagons for his own use, and he wanted big horses. I think he made a demand for two or three other wagons for the common use of the tribe, but he wanted one, a red wagon, especially for himself. As long as these other Indians were present Jack did all the talking and the others simply assented to what he said by grunts. The other Indians would not talk in his presence. I was still of the opinion that these two Indians, Mucisco and Uncomgood, differed with Jack in their sentiments, and I rested in that opinion until the last day they were in Denver. On that day they came to see me without being accompanied by Jack or Sahwitz. They had evidently avoided them and come by themselves to have a talk with me. Then they talked freely, and I was very

much surprised to learn that they were fully as bitter in their denunciations of Mr. Meeker and his plans as Jack was himself. I never had heard such sentiments from them before. They talked as freely, as unequivocally, and quite as emphatically as Jack did. That was the first thing that caused me to think there was immediate danger. I had been satisfied for two or three years past that they were making preparations for something of this kind, but I did not think it was coming yet. I was satisfied of it from this fact that they were cultivating friendly relations with the neighboring tribes that they have been at enmity with for generations, tribes that their traditions have always indicated as enemies, the Cheyennes and Arapahoes. For several winters past they have cultivated friendly relations with them, and in talking of them they would say, "Cheyennes pretty good Indians," and the same as to the Arapahoes. Jack had been spending his winters with them up in Wyoming, at a place known as Whisky Gap. I talked a good deal with Jack about that, and I made up my mind that they were getting ready for something like this outbreak, but I did not expect anything so serious. They have been always advised of Indian hostilities in the other parts of the country. In the fall of 1878, when I was up on the Bear River, as I have mentioned, they were familiar with Joseph's outbreak in Idaho, and they asked questions about it, and they would ask what was the latest news from that part of the country and how the Indians were getting along down in Arizona, in the south, and they called up the old question of the killing of a lot of miners in the North Park some eight or ten years ago, and went over and explained all the massacre, which they had done with me a great many times before. Colorow himself, in the fall of 1878, explained how the property of the miners was found in the possession of the Utes. He said that the miners were killed by a band of Arapahoes, and that after they had killed the miners the Utes fell upon the Arapahoes and killed them, and thus got possession of the property. He took pains to go over that matter to me in the fall of 1878. There had been two men killed that summer, named Green, near the mouth of the Grand River, on the road from Utah, and Colorow came to me two or three times to talk about that and to explain that it could not have been done by Utes because there were none down in that part of the country; and he told me where he was, where Jack was, and where other bands were roaming at the time these murders occurred.

Q. Are there any other reasons why you supposed they were preparing for this massacre than those already given?—A. No, sir; nothing excepting the indications directly from them, their talk when I would meet them.

Q. You had no such declarations from them?—A. No, sir; they never told me that they were preparing for anything of the kind. I only judge from their objections to the settlement of the country and their friendly intercourse with neighboring bands of Indians.

Q. Had not previous agents been trying to educate them and teach them farming?—A. Yes, sir, I think they had been making the same kind of efforts; but I can explain to you the secret of Mr. Meeker's failure. Mr. Meeker went there with a great deal of enthusiasm to make a success of his agency. He was a very conscientious and enthusiastic man in his ideas of reform. He set out to confine himself strictly within the letter of the law and his instructions, a thing that is seldom done by Indian agents. He was instructed that these Indians should appear there every Wednesday to draw their week's rations, and if they did not appear there they could not draw them; and they didn't draw their ra-

tions. That was a strictness which had not been observed by other agents. He undertook to hold them strictly to that rule. If he was to issue a certain portion of flour, tobacco, coffee, salt, and all those things, he issued just that much and nothing more, while the common habit has been to issue a larger quantity and not so frequently. For instance, there would be four weekly issues, the quantity for a month would be issued at one time, or they might wink at the absence of certain Indians, allow somebody else to represent them, and not require them to be there in person; but Mr. Meeker held them very strictly to the rule. That interfered with their hunting and their roaming off the reservation.

Q. Were not these Indians in the habit of supplying themselves in part from the chase?—A. Yes, sir, in a limited degree; but they did not care so much for the chase as for getting away from the agency and roaming through the country.

Q. They were not dependent upon game, then?—A. Not so much as they depended upon supplies from white settlers, from trading and begging, and occasionally from stealing; mainly, though, from trading and begging. They considered that they had an exclusive right on the reservation, and a common right with white men everywhere off it. That was their view. You never could secure an admission from them that they hadn't the same right to roam over the country that existed before the treaty. I have talked with fully a hundred of them, and with some of them a great number of times—Colorow, Antelope, Sahwitz, Bennett, Mucisco, Uncomgood, Johnson, and I do not know how many others.

Q. Do you know anything about the massacre at the White River Agency?—A. No, sir; only from reports.

Q. Do you know anything about the fight?—A. No, sir.

By Mr. GUNTER:

Q. You think Mr. Meeker's trouble arose from enforcing the law rigidly?—A. Yes, sir; I think that was the groundwork of his trouble, that he was more strict with them than they had been accustomed to, and more strict than the agents of the other bands of the Ute nation were, and consequently they felt oppressed by Agent Meeker. When we were there in the fall of 1878 there were ninety-two signed the roll for their weekly issue of rations. Each one was required to come and make his mark on the roll. They had to be there in person in the room. They did not all make the mark themselves, but delegated some one who was present to do it for them. For instance, Colorow, the agent told me, never had put and would not put his hand to the paper, but he was there present and indicated another Indian to make his mark for him. Their method at the agency was this: They came into the counsel room in the morning; the roll was already made out, and as each Indian came up he made his mark opposite his name, and he was handed a plug of tobacco and went out. In the afternoon, after all had signed this roll, and each had received his plug of tobacco, the squaws came with their ponies and got the beef and flour and other supplies, and took it away to the camp. If an Indian had two squaws, he got two plugs of tobacco and two rations; if he had three, he got three plugs of tobacco. That was the only latitude allowed by Mr. Meeker, that a man might represent himself as the head of two or three families.

Q. Was there any serious complaint of Mr. Meeker's plowing the ground?—A. They objected to that bitterly. They said they wanted the ground for grass for their ponies. I have two letters showing the spirit of Jack as long ago as last May. The first, written by Mr. Post, who was Mr. Meeker's chief clerk, and dated May 4, 1879, was read, as follows:

WHITE RIVER AGENCY, COLO., May 4, 1879.

WM. N. BYERS, Esq.:

DEAR SIR: I happened to mention your name in Ute Jack's hearing last evening, and he at once wanted me to write you. He has just returned from Snake River, where he has been since October last. He wanted me to say to you that now he is a "heap" poor man; has only four lodges in his camp. Jack left here with a big band, but somehow they have left him. Jack belongs to the opposition party, and objects to the removal of the agency and of the Indians working, &c. He claims, however, that when the game is used up, then it will be time enough to work. Jack wants you to put in a good word for him at Washington, &c. I write these few lines to please him. He wants you to write him a letter in answer to this.

Yours, respectfully,

W. H. POST, P. M.

A second letter, dated September 10, 1879, received from Agent N. C. Meeker, was read, as follows:

UNITED STATES INDIAN SERVICE,
White River Agency, Colo., September 10, 1879.

W. N. BYERS,
Denver, Colo.:

These Indians are a bad lot when you find them out. They have stopped our plowing and fencing, and "Johnson" attacked me violently, and I am considerably hurt. They shot at a man plowing, and I can depend on none of them. I had a council for two days, and I supposed everything settled; but nothing is settled. I have dispatched to Washington that I want protection, and written to Governor Pitkin and Senator Teller to confer with General Pope. I think they will submit to nothing but force. How many are rebellious I do not know; but if only a few are, and the rest laugh at their outrages, as they do, and think nothing of it, all are complicated. I didn't come here to be kicked and hustled out of my own house by savages, and if government cannot protect me, let somebody else try it.

You know the Indians and understand the situation. Please see Governor Pitkin, &c. I don't want anything but the bare facts of their hostility to get into the papers. Future movements, if printed, will reach the Indians here in four days. This I know.

Truly,

N. C. MEEKER.

Q. Do you know of any intrusions by miners or stock-herders, or stock-raisers upon their reservation?—A. I do not. I do not think there have been. The whites have been very conscientious.

Q. Do you know of any large body of cattle having been taken near the reservation and permitted to roam over or graze upon the reservation?—A. I do not think there are any, unless it may be from the Utah side, and I don't know that there are any there. It was reported in 1877, that the Green brothers, who were killed down near the junction of the Gunnison and Grand Rivers, had brought in a band of cattle from the Utah side; but I know nothing about it. They disappeared and the body of one of them was afterwards found. I think the other one has never been found.

Q. As I understand it, this Middle Park is a part and parcel of that purchase north of the reservation?—A. It is east of the northeastern corner of the reservation. It is northeast properly. It is a part of the purchase of 1868.

By Mr. WADDILL:

Q. From the Sioux?—A. No, sir; the purchase was from the Utes.

Q. I thought the Utes never owned that?—A. Well, they claimed it and it was purchased of them.

Q. But they ceded it?—A. Yes, sir; they ceded it.

By Mr. POUND:

Q. What are these regions designated as parks?—A. They are de-

pressions in the mountain range and surrounded by mountains. The word "park" comes from their old Spanish designation "parc."

By Mr. POEHLER:

Q. I understood you that one of those men who were with you when you got the horses was very desirous of learning English; do you think there is any desire generally among the Utes to learn English?—A. No, sir; it is very limited. Only a few seem to care anything about learning, and I think that those that desire it at all intend it simply as a convenience in their intercourse with their white neighbors. That is the way it always seemed to me. There is an opposition to learning it, in fact; they state explicitly that they object to their children being educated.

By Mr. HASKELL:

Q. Do you think the stoppage of supplies from Fort Rawlins had anything to do with this White River outbreak?—A. I think it had an effect in creating dissatisfaction.

Q. Do you think that the agreement with the Southern Utes and the Uncompagres about the cession of a portion of their land for another and smaller portion affected the outbreak of the White River Utes? Were the White River Utes incensed about that?—A. I do not think they cared much about that. It may have had a slight influence.

Q. Do you think they went upon the war-path because of depredations upon their territory by the whites?—A. No, sir.

Q. Or on account of murder of some of their people by the whites?—A. No, sir.

Q. Was it because of the ranging upon their reservation of cattle belonging to the white people?—A. No, sir.

Q. Do you think they went upon the war-path because white men set fire to the timber in the immediate vicinity of the reservation? Did white men set fire to the timber, to your knowledge?—A. No, sir.

Q. Do you think that any special cause for the outbreak existed beyond the conflict between the agent and his employes in the execution of the law and the opposition of the Indians to it?—A. I think that was the principal and almost the sole reason.

By Mr. GUNTER:

Q. In your examination-in-chief I remember you stated that your impression was that the claim that they had to that country north and east of the reservation was, to a considerable extent, the cause of their dissatisfaction and of the outbreak?—A. Well, that was the cause of their objection to the settlement of the country by white men, but whether it had much influence in this final outbreak or not I cannot tell. I am inclined to think not, because the actual settlement of the country has diminished within the last five years.

Q. Didn't that idea of theirs as to their ownership of the lands create a great deal of dissatisfaction against the people in Colorado generally?—A. Yes, sir; I think their alleged claim was the ground of a very considerable measure of the dissatisfaction, but I never thought it was a sincere claim on their part; I think they set it up as a visionary claim, simply as an excuse.

Q. Is there not a strong disposition on the part of the Colorado people to remove them from there so as to acquire their reservation and the supposed mines on the reservation?—A. Yes, sir; there is quite a strong desire on the part of the Colorado people that they should be removed.

Q. Does that inclination arise from a desire to acquire their reserva-

tion, or exclusively from the depredations that the Indians commit upon them, or from both?—A. I think mainly from the depredations or the uneasy feeling produced by having those Indians along the border. I think that is the principal reason. Secondly, there is a desire to occupy a portion of the reservation. There is only a small portion, I think, that any one at present cares about occupying.

By Mr. DEERING :

Q. Is there a general feeling of terror and alarm among the settlers? —A. There is such a feeling extending back one hundred miles into the settlement. There is an unreasonable degree of terror.

By the CHAIRMAN :

Q. Do I understand you that there is no dissatisfaction among the Indians growing out of the fact that their reservation is trespassed upon by the herds belonging to white people?—A. I think not. I asked them particularly on that point, and they made no complaints of herds trespassing on the reservation, and I know of no one trespassing upon it. Adjourned to Saturday, February 7, 1880.

WASHINGTON, *February 7, 1880.*

HENRY C. OLNEY sworn and examined.

By Mr. GUNTER [in the chair] :

Question. State your residence and occupation.—Answer. I reside at Lake City, Colorado; am register of the land-office for the San Juan district, and publisher of the Silver World.

Q. We are investigating the Ute outbreak in Colorado. If you have any information which will throw any light upon it, please state it.

The WITNESS. My statement will be, first, relative to my observations as a newspaper man; and, second, as to my official investigations as register of the United States land-office. In the first place, relative to the White River Utes. My first acquaintance with them was in Denver, during the years 1871 to 1876, during which time they frequently appeared there; in fact, portions of the bands were there almost constantly, paying no attention whatever to the reservation lines. In 1872, with a party of eight others, I went to Middle Park on a hunting and fishing expedition, and there we met Washington, Pioha, and Colorow, with their three bands. We had camped near Hot Sulphur Springs. Upon the night of our arrival we were waited upon by these three chiefs, and notified to leave the next morning. They said, "One sleep, you go," and we were compelled to leave for fear of our lives. They threatened to kill us if we didn't. That was in the park, about sixty-five or seventy miles from the reservation line, and probably about one hundred from the White River Agency, so that they were off their reservation that distance. Mr. William Sumner and a man whose first name was George (I cannot recall his last name) were in charge of the Hot Sulphur Springs, then owned by Mr. Byers, who is now present. While we were there that night the Indians ordered them to leave, drawing their revolvers upon them, and they fled in terror, and abandoned the place. The three bands then took possession of those springs and remained there, bathing and paying no attention whatever to the private rights of Mr. Byers or any other parties in the park. All this was outside of the reservation lines. Mr. Byers alluded the other day to the killing of the Green brothers. As publisher of the Silver World, I

gathered the facts in that case, and went down and investigated. My evidence was obtained from James H. Durfee, John A. Kimball, and Ed. S. Finch, who came over from Utah, leaving Salt Lake on or about the 17th of February, 1877. When they arrived at what is called the old Mormon Fort, on the Grand River, they found there a place where there had been a camp, the *débris* of wagons, a large number of cattle killed and the carcasses lying there, and from their knowledge that the party in advance of them was the Green brothers, they were satisfied that this was their camp, and that they had been murdered by the Indians.

By Mr. HOOKER :

Q. You are stating now what other people have told you?—A. Yes, sir; I am testifying from the investigation that I made of the subject. They then followed and found in a little stream which is a branch of the Grand River the body of one of the Green brothers, which had been dragged from this camp and thrown into the stream. The other body they never had found up to my last accounts, and they never have been heard of since that time. The Green brothers were on their way from what is called the Paradox Valley in Utah with a drove of cattle, travelling on what is called the old Mormon road, a public thoroughfare established by the government a great many years ago, and which is now traveled between Southwestern Colorado and Salt Lake City. The murders probably occurred about the 30th of March. The old Mormon fort is from thirty to forty miles west of the Utah line, and about 200 miles from the town of Ouray, so that is a long distance, probably one hundred and odd miles, beyond the western line of the Ute Reservation. These parties took up the trail of the Utes and trailed them to the Uncompahgre Agency. They there stated that these men had been murdered, and demanded of Ouray and others the names of the Indians who had murdered them. Ouray and the other chiefs claimed to know nothing about it, and the people have never been able to obtain any information as to what particular Indians killed the Greens, but they were satisfied that they had been killed by members of this band.

By Mr. HOOKER :

Q. Who were satisfied; Ouray or these other persons?—A. These gentlemen who gave me this information.

By the CHAIRMAN :

Q. Have you talked with the Indians about this?—A. I never have.

Q. With Ouray or any of them?—A. No, sir.

By Mr. HOOKER :

Q. All you state here is what you got from these three men whose names you have given.

By the CHAIRMAN :

Q. Did you understand that the Indians denied it?—A. They did not pretend to deny it or affirm it. They did not say either way.

As register of the United States land-office for that district I was called upon last summer on frequent occasions to investigate the subject of timber depredations and fires within my district. The country was one sheet of flame, you might say, for miles in every direction. I spent a great deal of time in the fall on horseback in ascertaining the causes of these fires. The first investigation I made was upon the Powder Horn, a small stream flowing into the White Earth, which is a tributary of the Gunnison. At that point I found encamped a party of Ute In-

dians under the command of Washington, and I think Antelope also was there. They were encamped off their reservation, upon the pasture-lands of E. T. Hotchkiss. They remained there several days, during which time they appeared at his house nearly every day and compelled his wife to cook for them almost constantly. After they left there, and before they had been gone half an hour, the whole country broke out into a sheet of flame, starting from their camp, and that fire spread over the mountain range in two directions and burnt, I suppose, over fifty thousand acres of timber.

My next investigation was up the Ohio Creek, a tributary to the Gunnison, coming in from the north. Captain Billy claimed that a man named Travis had stolen a number of ponies from near the agency and that he was in pursuit of him. He camped near the head of Ohio Creek in this pursuit, and wherever he camped, as soon as his camp was broken up fires broke out and spread over the Crested Butte and another range below, burning several thousand acres of timber. I followed his trail down on East River and he set fire all through the bottoms and the timber on East River. He then went over onto Roaring Fork and these fires followed him up there, burning over, I suppose, a great many thousand acres of land in that direction. The Indians went up to the head of Taylor River and fires followed their trail wherever they went. It is impossible to say the number of acres that these fires covered, but it was a vast area, and there is no doubt in my mind or in the minds of the people generally that these fires were set for the purpose of driving people away from the settlements and making the country useless to the whites.

By Mr. ERRETT:

Q. You do not know that?—A. No, sir; that is my inference.

By Mr. HOOKER:

Q. It is a mere opinion based on the testimony?—A. Yes, sir.

I then investigated the fires over on the Dolores River on the west slope of the mountains. On or about the 30th of August a band of Ignacio's Southern Utes went to the ranch of Stephen S. Sharpe and James A. Shaw, near Rico, and ordered them to leave.

By Mr. HOOKER:

Q. How did you get that information?—A. From the parties whose names I have mentioned. They had put up forty or fifty tons of hay for sale. This was off the reservation entirely, but the Indians have been in the habit of hunting through there, and they claim it as a part of their hunting-grounds. These parties refused to go. The Indians then, under their very eyes, set fire to the hay, and the whole of it, some forty or fifty tons, was burnt up. Those fires spread over the entire range between the Dolores and the San Miguel, again burning a large area of country, so that the timber, so useful in our mining operations, has been destroyed to a great extent, and our mining interests are greatly crippled thereby.

By Mr. HOOKER:

Q. What are you reading from?—A. Simply notes of my own.

On the same trip, about the 27th day of September, 1879, I ascertained that the fires on Maroon Creek had been set by a band of White River Utes who had passed through the country. That was upon the evidence of L. A. Wait, who said that he saw the fires set by them. In the Gunnison Valley, east of the reservation, some distance up, there are probably one hundred settlers whose principal occupation is the

raising of hay. Those valleys were largely burned off during the summer by those fires, which were claimed to have been set by Indians.

During the month of June of last year a band of Uncompahgres, with Billy, Wass, and Sam, encamped in the pasture of J. B. Outcalt, who has a very large hay ranch and a large number of horses and cattle. He requested them to leave his pasture, and they told him they would not do so. They remained and pastured their horses in his meadow. He drove off their horses, and the Indians drove them back. He hired a man as a guard by night, he watching by day himself. During the first night the Indians drove off the man who was on guard, and destroyed the entire pasturage, so that Outcalt was unable to harvest any hay whatever from his meadow.

By Mr. HOOKER:

Q. Are you reading now from manuscript or from print?—A. I am testifying from manuscript notes.

Another ranch in the same valley is owned by August Mergelman, and the adjoining ranch is owned by James Preston. The Indians, on this expedition, persistently pastured their ponies on the ranches of these two parties despite their requests and protestations, and destroyed their entire pasturage, so that these parties had to borrow money to buy supplies for the present winter. One day, during the absence of Mergelman, they demanded of Mrs. Mergelman that she should cook for the entire band; she refused, and an Indian (whom she said she could identify) took her by the throat and told her that he would kill her unless she did so. She yielded, and they kept her cooking nearly the entire day. Her husband returned that night, and she had no more trouble.

It has been claimed that there were several mining camps on the reservation. It was claimed here by the Indian Bureau, and statements have been published to that effect. I was called upon by the miners of Ruby Camp to settle the question whether their camp was upon the reservation or not, their idea being that they might proceed with their applications for a patent for their claims. If the camp was upon the reservation, of course they could not do so, and their mines would be worthless, as they could neither get a title for them nor sell them or work them. They were, therefore, anxious to have the question settled. On my way I first took the line of monuments set on the east line of the reservation on the White Earth River and the Gunnison River. I followed the line up Ohio Creek to this Ruby Camp, and near the upper end of Ohio Creek I found no monuments, but I was told by the miners that the line was upon what is called the Big Mountain. Captain Billy himself told the miners that the Ruby Camp was not on the reservation; that the Indians did not claim it to be. According to my best calculations, it is probably a mile and a half east of the reservation. I investigated carefully to see if the prospectors in that camp were in the habit of going over upon the reservation prospecting, and I could not ascertain that there had been a single case of that kind. I know personally almost all the miners in that camp, and I will say that they have shown a wonderful forbearance and regardfulness of the rights of the Indians, as have the Colorado people generally. They have refused to go upon the reservation to prospect, while, on the other hand, the Indians have been constantly running over upon the adjoining territory of the white people for hundreds of miles away from their reservation. And this the Utes do all the time, apparently upon the theory that the reservation is theirs *in toto*, and that all the rest of the public domain belongs to them equally with the white men. Ruby Camp is the only

mining camp near the line. I investigated the whole subject on the east and south sides, and I think I can say officially that there is not a single mining camp upon the Ute Reservation. In this connection, Frank P. Swindler, a deputy United States mineral surveyor, who, in company with E. H. Kellogg, also a deputy United States mineral surveyor, was making a survey of the townships in the vicinity of this camp (he had already located his township lines), told me that according to his official surveys this camp was one mile and a half off the reservation.

By Mr. HOOKER :

Q. In any of the evidence which you have given have you referred at all to the Utes in Southern Colorado?—A. Yes, sir; Captain Billy is one of the chiefs of the Utes at the Los Pinos Agency.

Q. Is he on the Southern Colorado Reservation?—A. Yes, sir; adjoining the San Juan country.

Q. Have you referred to any others besides him?—A. The first part of my testimony, about my being ordered out of the Middle Park, and about the parties keeping the springs being driven off, was all there was at that time relative to the White River Utes. The killing of the Green brothers was by the Los Pinos Utes. That was in 1877. This same Captain Billy shot at a man named George Tower up by Mount Carbon.

Mr. HOOKER. I move that the witness be restricted in his testimony to matters of which he has personal knowledge, and that all that he has already stated upon information derived from others be excluded from the record.

Upon this motion there was some discussion. The stenographer, by direction of the committee, read over the whole of the testimony of the witness up to this point, whereupon Mr. Ainslee gave notice that at the next meeting of the full committee he would move to strike out so much of the testimony of Governor Pitkin, and of all other witnesses, as relates to the policy or question of the removal of the Utes from Colorado, on the ground that the same is irrelevant and does not come within the range of the inquiry authorized by the resolution of the House under which the committee is acting; also to strike out the resolutions of the citizens of La Plata County, Colorado, adopted the day after Christmas, in regard to the removal of the Indians from Colorado, on the same ground.

Mr. GUNTER (in the chair) instructed the witness to confine his testimony hereafter to facts within his personal knowledge.

The WITNESS. I wish to explain why I have brought in this last part of my testimony. The purpose is to show the connection of the Southern and the Uncompahgre Utes with the Milk Creek (Thornburgh) fight. The testimony of George Harriman, if it could be had, would be direct and conclusive on that point; he was sent to Lake City, and he told me that—

Mr. Ainslee objected to the witness stating what anybody had told him.

The WITNESS. George Harriman was a messenger sent by Ouray and by other Indians (probably through Ouray) to warn the settlers to beware of the White River Utes, that a general Ute outbreak was liable to occur. Harriman told me that. He further stated that portions of these bands were present in the fight at White River. He stated this in my presence and in the presence of F. C. Peck and Herman Lenders.

By Mr. AINSLEE :

Q. How long before the massacre was that statement made?—A. This was after the massacre.

Q. How long was it before the massacre that Ouray told him that?—
A. It was after the massacre. He sent word through him to the settlers that the White River Indians if pursued by the troops would fall back upon the settlement in the Southwest.

By Mr. HOOKER :

Q. Were you brought here by a subpœna?—A. I was.

Q. From Colorado?—A. Yes, sir.

Q. By the committee?—A. Yes, a telegraphic subpœna by the Sergeant-at-Arms.

By Mr. GUNTER (in the chair.) You speak of there being no depredations by miners in the east and south. Do you know of any mining camps or prospecting parties for minerals upon any portion of the reservation?—A. I do not.

By Mr. AINSLEE :

Q. This investigation that you made into the boundaries of the reservation—was that made under any order or authority from the Indian Bureau, or from the General Land Office of the United States, or was it made at your own suggestion?—A. It was made under the authority which had been given land officers to investigate timber depredations, and by the instructions of the Commissioner of the General Land Office.

Q. You had no special instructions for that work?—A. No, sir. It was part of my duty.

By Mr. GUNTER :

Q. Do you know of any depredations or intrusions upon the reservation by stock raisers, either immediately upon the reservation, or near the line for grazing purposes?—A. I do not; I don't think there have been any.

Q. Do you know of any complaints in that regard by any of these Indians, particularly the Southern Utes?—A. I do not.

Q. Did the Indians at any time give you reasons why they were depredating upon the State, burning the timber and driving the settlers off?—A. Never to me directly.

Q. Did you hear them give any reasons?—A. I have never heard them give any reasons. I have simply heard the reports of other parties of what they did state; mere hearsay, general reports.

Q. You say you ran that line near that camp, and followed the monuments up to the camp; how far apart were those monuments?—A. It depended largely upon the character of the country. A portion of it is valley, and a portion of it mountain. In the valleys they would be sometimes a mile apart, and on the mountains it would depend upon the timber. They have a mode of blazing the trees on the mountain side, and there the monuments were quite frequent.

Q. Easily followed, I suppose?—A. Yes, sir.

Q. When you followed this line up to that high mountain, taking the range from the monuments and marks that you saw, was the line where it was indicated to you by the miners and the Indians, near the top of the mountain?—A. I judged it to be.

Q. From your investigation as stated you were satisfied that the camp was a mile or a mile and a half off the reservation?—A. I was.

Adjourned.

WASHINGTON, *February 10, 1880.*

HENRY C. OLNEY recalled and further examined.

By the CHAIRMAN:

Question. If there is anything further which you can state in regard to the late Ute outbreak, which you can state of your own knowledge, please state it.—Answer. I believe I have stated all that comes within my personal knowledge. The only thing I desire to say further is to call attention to the connection of these incidents that I have related with the outbreak, showing that the outbreak was simply the culmination of a spirit, long manifest, of opposition to civilization and the settlement of the country adjoining the reservation, and that, in accordance with my testimony yesterday, the Uncompahgre and the Southern Utes were in the Thornburgh fight.

Q. Do you *know* anything about that?—A. Nothing, except what I have testified to—the statement of Mr. Harriman to me, which I made part of my testimony yesterday. Therefore I say in my deductions that these incidents show that the Uncompahgre and Southern Utes were preparing, just as the White River Utes were, for this outbreak.

Mr. HOOKER. I object to the witness testifying to anything except facts that are within his own personal knowledge.

The WITNESS. I have no further statements to make.

WASHINGTON, *February 13, 1880.*

J. S. PAYNE, captain Fifth United States Cavalry, sworn and examined.

The CHAIRMAN. We have summoned you to see if you can throw any light upon the Ute outbreak into which we are inquiring. Our jurisdiction does not extend beyond the outbreak and the causes thereof. You may state all you know in regard to it—the approach of the soldiers, the fight and what brought it on, and what you learned from the Indians as to their causes of complaint.

The WITNESS. Major Thornburgh's command, composed of three companies of cavalry and one of infantry, left Fort Steele, Wyoming, on the 21st day of September last, under orders for the White River Agency. Major Thornburgh was directed to confer with the agent, as my information goes, to take such steps as, after his conference with Mr. Meeker, he should think necessary to bring about a condition of quiet at the agency, and, perhaps, to make some arrests.

By the CHAIRMAN:

Question. From whom did he get his orders?—Answer. From the department commander.

The command reached Bear River on the 26th. While in camp there we were visited by Jack, a subchief of the White River Utes; Sahwitz, a chief; Unque, an Uncompahgre Indian, and several others. Unque had a pass purporting to be signed by Mr. Stanley, the agent of the Uncompahgre Agency, as I understand it, and he was represented in this pass to be a good Indian. This pass gave him permission to visit the White River Agency. These Indians conferred with Major Thornburgh and the rest of the officers, I being present at all the interviews. Jack, seeming to take the lead, appeared very much exercised about the coming of the troops. This was at Bear River, about sixty miles from the agency, and about forty-five miles from the reservation. In

this interview Jack complained very bitterly of the agent, Mr. Meeker. He stated that the agent had tried to make them farm and plow, and that he had failed to fulfill a great many of his promises to them. Among other things, I recollect his principal grievance seemed to be something about a wagon. He stated that Mr. Meeker had promised him a new wagon with red paint on it, and when he had insisted upon its being given him, Mr. Meeker had offered him an old wagon from which pretty much all the paint had been rubbed off, and he had refused it. Jack laid more stress upon that circumstance than any other cause of complaint that he had. His language in speaking of Mr. Meeker was excessively abusive. While talking of other matters he would constantly recur to the subject of Mr. Meeker, and refer to him in the most vituperative terms. The Indians speak broken English, which we can understand, from habit, pretty well, and we gather the meaning by their expressions quite easily. Jack asked us the number of our force, which Major Thornburgh told him without hesitation, and he looked around the camp; that is, he glanced around it; he did not make any effort to go through it or count the horses, or anything of that sort. He insisted upon knowing what the troops were coming for. He asked that question a number of times, and I recollect that Major Thornburgh's reply was pretty much what all our replies were (because he asked this question of everybody), to the effect that there was some trouble at the agency; that the agent had asked for troops, and that we were going through to see what he wanted. That was about the sum and substance, as I remember it, though perhaps not the language of the conversation on the part of the officers. Jack left with his party about sundown, and went down to a ranch near there, and, as we were informed, proceeded to the agency that night.

By Mr. HOOKER :

Q. About what number of Indians composed Jack's party?—A. Sawitz, Jack, Unque, and one or two, perhaps three others; I do not know the exact number. The next night we camped sixteen miles farther on, at Williams's Fork of Bear River, where we were visited by Colorado (commonly called Colorow), the Indian interpreter Henry, an Indian named "Bummer" Jim, and one or two others whose names I don't remember. These Indians were accompanied by an employé of the agency, Mr. Eskridge, who brought a letter to Major Thornburgh from Mr. Meeker. In this letter, which Major Thornburgh showed to me, Mr. Meeker suggested to him that in view of the excitement which was prevailing among the Indians at the agency and which he was endeavoring to allay, Major Thornburgh had better come in with five soldiers and hold a conference with the chiefs at the agency. He also stated that the Indians, being very much excited, he was apprehensive of trouble, and he suggested this means of conferring with them without the presence of a large force, as probably the best way to avoid a collision. An answer to that letter was dispatched by Major Thornburgh. I did not see the answer but I heard it read. That letter, I notice, does not appear in the published correspondence between Mr. Meeker and Major Thornburgh; it has dropped out; but if you will observe the last letters of that correspondence, as published, you will see that a letter is missing. One of Mr. Meeker's letters makes reference to this one of Major Thornburgh's. The substance of that letter was that Major Thornburgh stated that he would accede to the general proposition of Mr. Meeker. Mr. Meeker had suggested that he halt his command some considerable distance from the agency either where he was

or at some point near there, and Major Thornburgh replied that he would come into the agency with five soldiers, his adjutant, I think, and his guide, stating, however, that he would either halt his command there or at some point nearer the agency, not giving any definite distance as his point of camping.

Q. Were the Indians apprised of the contents of Mr. Meeker's letter and of the contents of Major Thornburgh's reply?—A. Yes, sir; they were. That is, these Indians did not speak the English language, with the exception of Henry, the interpreter, but he was told to tell them what was in those letters, and he told them something in the Indian language which purported to be the contents of the letters.

By Mr. WADDILL:

Q. Were they informed of the request of the agent for troops?—A. No, sir; this was a request of the agent, that Major Thornburgh should halt his command and proceed to the agency with a small body and hold a conference with the chiefs. They knew and had known for a long time that the troops were coming. These Indians appeared to be very surly, especially Colorow. I recollect that he refused to smoke when invited, which is the strongest evidence that an Indian can give of unkindly feeling. But they finally departed. Mr. Eskridge, however, remained until the next night. After reaching camp next day Major Thornburgh sent for some of the officers, myself among the number, and I think, perhaps all of us, and he stated that he had been thinking of this matter during the day and that he was satisfied that, under his orders, he had taken a little too much responsibility in consenting to keep his command so far from the agency, and he asked our advice about it. I remember that he asked my advice first, as I was the senior in rank next to himself. My reply was that I disapproved of his action the night before; that I had tried to catch his eye and to advise against it and had failed, but that now that he had committed himself to it he would have to carry the arrangement out to a certain extent. Then he asked me what modification I would suggest, and I said to him that I thought, under his orders, he could not halt his command at a point so distant from the agency; that if he should leave his command and go on with a small detachment of men, and they should be attacked and massacred (which I thought was quite probable), the command would be at so remote a point that it could neither give them assistance nor be at hand to punish the Indians if they committed this outrage; so that my suggestion to him would be that he should march his command during the day to Milk Creek, or some point near there, and go into camp; that he, either that night or early in the morning (I think my suggestion was that night), should go on with the five men to the agency. In the meantime the command would go into camp just as under ordinary circumstances, pitch their tents, and go through all the forms of encampment for the night; then, as soon as it became dark, I would take the cavalry column and carry it through the cañon and place it near the agency; that, as the Indians would see him going on into the agency, they would follow him if they were on the lookout, supposing that he was carrying out his programme, and we could get through without trouble, and that then the command would be within supporting distance, and yet meet the requirement of the Indians, not to go to the agency. My impression is that we discussed both plans, as to whether it should be done in the morning or at night; but the latter was agreed upon. Major Thornburgh asked me to write a letter to Mr. Meeker,

which I did. The last letter in that correspondence was written by me at his request. That letter notified Mr. Meeker of the change in Major Thornburgh's movements; that he intended to comply with the request of the Indians, so far as going to the agency was concerned, but indicating that he was going to carry his command within striking distance of the agency in case of trouble. The letter was dispatched by Eskridge, who left our camp about sundown on the 28th of September. We afterwards learned that he was killed at some distance from the agency. Whether the letter ever reached Mr. Meeker or not we do not know, or whether Mr. Eskridge ever got back to the agency. He had abundance of time to get there, but he may have been killed going in, or he may have gone in and been killed in trying to escape from there. There was a rumor, however, of a letter from Mr. Meeker to Major Thornburgh having been found, which was published in the newspapers. A part of that letter as published stated that Mr. Meeker had received this letter from Major Thornburgh and liked his last programme better than the first; that he was glad that the troops were coming closer to the agency. If that be correct, of course Eskridge got into the agency and delivered his letter; but I have never seen any authoritative statement as to the discovery of this letter from Mr. Meeker. On the next morning (the 29th) we marched to Milk Creek. We halted and watered our stock at the creek. They call it a river.

Just before we got to this stream we passed the wagon train of the Indian contractor, Mr. France, of Rawlins, hauling supplies down to the agency. It was under the charge of Mr. John Gordon. We passed this train on the hill, and we noticed, just as we descended into the bed of the creek, some newly-started fires burning, and, as I discovered afterwards, these train-people of the train informed some of the soldiers that Indians had passed them before we reached them, coming from the direction which we were approaching, and told them to keep out of the way, that there was going to be a fight with the soldiers. In this connection I would like to mention an incident. That night, after the fight was pretty well over for the day—it was nearly night, but I remember we could still see—one of Mr. Gordon's teamsters brought to me a sheet of paper about the size of letter-paper. It was dirty and crumpled. In that were the rough drafts of what were intended to be the bodies of three or four men with holes through them, as if to represent bullet holes, and underneath were tracings, horizontal, wavy lines, after the manner of a man's handwriting; and this man reported to me that he had found this paper hanging on a bush on the hill where we had passed his train. I have observed in the newspapers reference to some "pictures," and I thought I would mention this to explain the foundation for that story. This is the whole foundation for it, so far as I know.

After watering our stock, we moved down the creek 500 or 600 or 1,000 yards, perhaps, crossed it, and took the trail which led up over the hills to the left. The old Indian trail crosses the road repeatedly. The road winds in and out among the mountains, and the trail makes a good many cut-offs, and the cavalry column would frequently take the trails while the wagons would follow the road. There were two companies in advance—my own and Captain Lawson's—and the other remained with the wagon train. I forgot to state that the company of infantry had been left back at Fortification Creek, 60 or 75 miles from the agency. After we had proceeded on this trail for half a mile, perhaps, my company was descending quite a precipitous hill into a little narrow valley, when Lieutenant Cherry, who was off to the right some short distance with some of the scouts and a party of soldiers, was observed waving his

hat, and we knew at once what that meant—that there were Indians around—and my company was at once conducted to the high ground to the left of the trail and there dismounted, and a skirmish line was deployed. Captain Lawson, who was still on the crest of the ridge, also dismounted his company and deployed them. In the mean time the military position was assumed by the horses, and Major Thornburgh came up on the high ground where I was, and we commenced to look around to see what we could observe. I don't remember just when it was that I saw Lieutenant Cherry, but I must have seen him somewhere about this time. He made a report to me of what he had seen. While we were up on this hill, Major Thornburgh and myself both—we were standing together—made efforts to communicate with these Indians by signaling. I recollect that he took his handkerchief and waved it to them, and I did the same, and several of the Indians answered these signals. They were away off on their right and to our left, some four hundred yards from us. Lieutenant Cherry, in the mean time, was down at the other end of the line, and making an effort, as he afterwards officially reported, to communicate with them there. These Indians that were in front of us—there were two or three of the party that were answering our signals and observing us—they would approach us a short distance and then halt, proceeding very cautiously and taking advantage of any obstructions in the ground to keep out of range, and while our efforts were going on, or while mine were—it is possible that Major Thornburgh may have moved, because this took some considerable time—while this signaling was going on, I heard a shot fired away down at the right of the line. This was followed almost instantly by other shots.

By Mr. HOOKER :

Q. Was that shot fired by the Indians?—A. That I do not know, except from Lieutenant Cherry's official report. He reported to me that that shot was fired by an Indian, and I think that it wounded his horse, or somebody else's horse.

By the CHAIRMAN :

Q. Did you see Lieutenant Cherry when he waved his hat?—A. No, sir; he was out of sight. When I speak of his waving his hat the first time it has no connection with the other transaction when he waved his hat to signal them. There was some time intervening between the two acts. When I heard this firing I did not wait for any orders, but turned around and directed my men to open fire on the Indians, which they did. I did not wait to investigate where the shot came from. My knowledge of Indian affairs was such that I knew we had an Indian fight on our hands then and there, and I directed the fire to be opened at once. In a few minutes they killed two of my men, and I think that we killed a half dozen of them right there. They were very close to us, apparently trying to turn our flank, which they afterwards succeeded in doing, and concentrated in our rear, and after fighting there for some time Major Thornburgh came to the conclusion that he would be compelled to fall back upon the wagon train.

By Mr. HOOKER :

Q. How long did the fight continue?—A. I do not know. It was short and sharp. It did not last long. I do not think it continued over three-quarters of an hour.

Q. About what number of Indians were engaged?—A. Well, sir, I make up my estimate from the official reports as well as from what I saw, and I should say from 300 to 400.

Q. What was your own command, including the cavalry companies?—

A. The two cavalry companies in the fight there (you see this was a mile and a half from our wagon train) numbered somewhere between 95 and 100; less than 100 men.

Q. Whereabouts was this fight with reference to Milk River and the agency?—A. Fifteen miles from the agency, and substantially upon the border line of the reservation, and about a mile or a mile and a quarter from the nearest point to Milk River, and it was a mile and a half back to our wagon train.

Q. When you attempted this retreat did the Indians still continue to fire?—A. Yes, sir; when we attempted to retreat they still fired upon us, and made a number of efforts to break up our lines and to turn our skirmish lines, but were foiled in their movements, and they then concentrated, as I have stated, in our rear. They seemed to leave us in front and to direct their efforts upon the wagon train and upon the line of our retreat. A charge, however, drove them off the hill which they had occupied, and the line of communication back to the corral was opened. It was about this time that Major Thornburgh was killed. Nobody knows just when or just how he was killed. He seems to have been by himself.

Q. He was killed on this retreat?—A. He was killed on the retreat. My impression is that he was proceeding along the road leisurely and looking out to see what was best to do, and that he was picked off by a sharpshooter at long range, because I know there were no Indians close to the position where he was found. I went over the ground myself within five minutes of the time he was killed, either before or after.

By the CHAIRMAN:

Q. Were there any other men killed at the same time?—A. There were two men of my company killed, but they were killed within a few minutes of the commencement of the fight; not with Thornburgh. There were no men killed in this fight outside of the corral except the two men of my company and Major Thornburgh himself. All the other fatal casualties occurred afterwards at the corral. When I got back to the train I found the wagons very badly parked, a great many horses killed, and a large number of them wounded. They were all concentrated in a little space, perhaps not over seventy-five yards long by twenty-five wide, and the Indians upon the high bluffs upon the north and the south side of the position were pouring a plunging fire into this corral. The first thing done, of course, was to shoot some horses to drop them in places where they could be used as cover for sharpshooters. Some thirty or forty, I think, were shot by my order. The sharpshooters were put behind them and we commenced to get things in shape and confidence among the men a little restored. I then sent a party out to cover the retreat of Captain Lawson and Lieutenant Cherry, who were on foot. The most of their led horses had come in, and their commands were fighting slowly back to the camp on foot. They got back without any fatal casualties and took their places in the corral. From that time on until night it was just a fight without much system about it. The Indians were firing from these hills and ravines, within thirty or forty yards of us, but were kept so well down that they could not take very accurate aim. They had to rise and fire suddenly at the—firing at the corral, rather than at individual person. But they did a great deal of damage. Before night we had nine more men killed, one fatally wounded, and forty-three men wounded, including those outside.

By Mr. HOOKER:

Q. There was, then, no post conference between Major Thornburgh and the Indians or between any of the command and the Indians at the time the fight began?—A. None whatever.

Q. There was no meeting by Major Thornburgh with the five or six soldiers as agreed upon previously?—A. No, sir; Major Thornburgh, I am satisfied, was going into camp at a point very near where we were attacked. We did not camp on Milk Creek, because at the point where we found water there was no wood, and where we found wood there was no water, and I am satisfied, though we had no positive conversation on the subject, that it was his intention to camp there. During the afternoon the Indians made a number of efforts to dislodge us, the principal attempt being made by firing the grass. There was a high wind blowing up the creek bottom, and taking advantage of that they set fire to the dry grass and sage brush, of which the valley was full, trusting to the wind to drive the fire up towards our corral. It was then that I burnt this train of Mr. Gordon's containing the Indian supplies, and I also burnt off all the ground that I could with safety to the corral, under cover of the smoke arising from the Indian fire which prevented them from seeing what we were doing, and the consequence was that when the fire struck us there was very little of the corral exposed, and we were enabled to put the fire out, though not without a loss of five men killed and ten or twelve wounded within a few minutes. These, however, are included in the total number of casualties that I have already given. At night the Indians made a charge upon us, thirty or forty of them charging up to within perhaps forty yards of our position, but we knocked over three or four of them and repulsed the charge, and that was the last serious demonstration they made either that day or afterwards. That night we dragged out our dead animals, dug intrenchments, and went into a state of siege, and started couriers off with the news to the railroad with instructions to telegraph to the Department commander for the assistance which we knew would come. We were in no danger after that, in my judgment. Of course there was danger of any individual who exposed himself being shot, but for the command, I do not think there was a particle of danger after that night. Upon the morning of the 5th of October, General Merritt, colonel of the Fifth Cavalry, came in with a column to our relief. About two or three hours after he arrived he took one of the companies of cavalry that he had brought in and started out to look at the battle field, the place where the fight had commenced, and while up there he was attacked by the Indians. The command at once got out—it was then pretty formidable, there being about four times as many troops as we had had—and the Indians were driven off without any trouble at all. They still, however, kept up a rambling fire from the hills. After a time we saw a white flag raised upon an eminence, when General Merritt had a signal to cease firing trumpeted, and an agent or messenger, a white man, came in from the Uncompahgre Agency with a copy of an order which Ouray had sent to the White River Utes, directing them to cease fighting; and after that there was no more fighting up to the time I left there, which was the 10th of October.

To go back a little in the narrative, upon the night of the 25th of September, a man by the name of Lowery, who was employed as a guide by Major Thornburgh, was sent to Mr. Meeker with a letter. I do not know just what the contents of that letter were, but I understood that it was notifying Mr. Meeker of our coming, and expressing a desire to hear from him. This man delivered the letter at the agency, and rejoined us on the night of the 28th, the night before the fight, and

I recollect that he brought back with him a good many stories—we could hear the soldiers talking about them during the evening—and the general impression from what he said was, that we were going to have a fight. I went to him to try to ascertain what foundation there was for these rumors that I had heard. He said, "Captain, there is going to be a fight." I said I hoped not, and that I did not suppose there would be. At this time we were in camp on a stream of which I forget the name, but it was our last camp before the one at Milk River.

By Mr. HOOKER:

Q. Did that messenger bring a letter from Mr. Meeker?—A. I think he did.

Q. Did you see it?—A. No, sir, I think not; if I did I do not recollect it.

By Mr. POEHLER:

Q. How far was that camp from Milk River?—A. Eight or ten miles, probably not more than eight, but that is a rough country, and it is not easy to estimate distances accurately.

By the CHAIRMAN:

Q. After this interview at Bear River with Jack, I understand that you had no other interview with him?—A. No other. Going back to this conversation with Lowery, I asked him what he based his opinion upon. He said, "Mr. Meeker has told those Indians that he is going to handcuff them; that he is going to arrest them; that he has got chains for them; and they are moving their squaws and their children. There are hardly any of them left there now; and when I came out here I never was so badly scared in my life as I was during my ride through that cañon. When I started into the cañon, there were about twenty Indians with me, gesticulating and talking in a very excited manner, and every mile or two several of them would drop out, so that finally it left me alone without any of them at all, and I thought that they were getting around ahead of me to cut me off and kill me when I was not looking out." He predicted the fight quite confidently. At the time, I attached no importance at all to his fears, for these frontier people are always expecting a fight. Afterwards, however, I was satisfied that the man's story was correct. He was with the troops in the fight, and did very good service, and was killed there. In the conference at Bear River, Jack had said something about the threats that Mr. Meeker had made, but just what I do not remember. I only recollect that he spoke of Mr. Meeker's using threatening language to the Indians, and said that upon one occasion there had been a difficulty between the agent and one of the chiefs, and that the chief had put the agent out of his house, or out of the agency building. I may state also that it was a matter of common rumor among the frontier men down there, that a great deal of this trouble grew out of an effort that was made to arrest two Indians, "Chinaman" and "Bennet," on account of certain depredations said to have been committed by them. I think they had burned a hay-stack belonging to some ranchmen, and an effort had been made to secure their punishment, and the Indians were very much excited about it. About that matter, however, I know nothing personally; nothing, except from common rumor, and from some remarks that Jack made on the subject. I do not remember the details of what Jack said, for he talked about pretty much everything.

By Mr. HOOKER:

Q. But this man Lowery gave you the specific threats which had been made by Mr. Meeker in reference to handcuffing and arresting the Indians?—A. Yes, Lowery seemed to admire Mr. Meeker very much; he said he was a good, excellent, honest man, but a very injudicious one.

By the CHAIRMAN:

Q. Was Lowery an employé of the agency?—A. No, sir; but he had been about the agency a great deal, and I think he had at one time been an employé there. He spoke of Mr. Meeker just as all those people did—said that he was injudicious—that he was very energetic, earnest, and honest in his work, and that that sometimes carried him too far in his dealings with the Indians.

Q. What were your casualties in that fight?—A. We had thirteen killed including Major Thornburgh.

Q. How many Indians were killed that you saw?—A. I did not stop to count. I saw a great many of them killed on their feet; I saw several knocked off their ponies, and when an Indian falls he is very apt to have received his death wound. But we have definite information as to their losses in the fight; they lost 37 killed; there is no doubt about that.

By Mr. POEHLER:

Q. How do you get that information?—A. That came from the Indians themselves—from the Uintah Agency. General Hatch got it below, and it came also from Brady, this man who came in with the flag of truce, and also from General Adams when he came through their camps when they were in mourning. That is the number stated by the Indians, and they never overstate their losses; they are like other people in that respect, they underestimate rather than overestimate them.

By the CHAIRMAN:

Q. Do you know anything about the massacre at the agency?—A. Nothing whatever excepting current reports.

By Mr. HOOKER:

Q. What was the date of the massacre?—A. The 29th of September presumably—the day that the fight occurred.

Mr. HOOKER. Mr. Chairman, hasn't there been some statement made that the massacre occurred after the fight?

The CHAIRMAN. Yes, sir, after the fight, but on the same day.

By Mr. ERRETT:

Q. The fight began in the morning?—A. Yes, about 11 o'clock.

Q. There is no hour fixed, I believe, as that at which the massacre at the agency took place?—A. The story I have heard about that is, that when the Indians heard the fighting going on, or when they were signalled that there was a fight going on, they began the massacre; and I have no doubt that that is the truth. This letter which was alleged to have been written by Mr. Meeker, and which was said to have been found upon the body of one of the agency employés by some of the command that went in after we had left, contained a somewhat peculiar expression which I remember. It was addressed to Major Thornburgh, and in it Mr. Meeker said: "I like your last programme best. Douglass is still here flying the American flag." That I think is about the language. That letter purported to have been written about 1 o'clock p. m. It also stated, "very few of the Indians are here." That statement would seem to give some air of probability to the genuineness of the letter,

because my impression from all I could gather at the time, and from the distance between Milk River and the agency, is that it would be perhaps about 1 o'clock in the afternoon before the news of the fight could have got back to the agency.

I forgot to state one thing in regard to these pictures that have been spoken about. Lowery or Rankin, I forget which, the night before the fight, gave me the picture of an Indian, which I put in my trunk. My trunk was captured, with all my baggage, by the Indians, as was also Major Thornburgh's, Lieutenant Cherry's, and Lieutenant Wolf's. We had all of our property in a light wagon, which followed the column, and the driver had to cut his horses loose to save his life, and the wagon fell into the Indians' hands. When Major Thornburgh's body was recovered, this picture, or at least a picture which I am satisfied is the same, was found upon his body held down by a little stone which had been placed upon it to prevent the wind from blowing it away. I am satisfied, from the examination I made of the picture when it was given to me, and the examination I made of it after it was recovered, that it is the same picture, and was left on Major Thornburgh's body under the impression that it was his property. [The witness exhibited the picture to the members of the committee.] When Ignacio's band were coming here the other day I went into the car and shook hands with them all, and I suddenly drew this picture out of my pocket and said "Sabe?" One of them said "Yes, it is Toca, an Uncompahgre"; but a few minutes later they denied it. I went down to the Tremont House two or three days ago, and showed the picture to some of the Indians there, and one of them said it was Captain Billy. I don't know what tribe he belongs to.

By the CHAIRMAN:

Q. Have you any reason to believe that the Uncompahgres were in the fight?—A. None at all, except the fact that Unque was with this party that met us at Bear River.

Q. But he had a pass?—A. He had what purported to be a pass; and I will say this for him, that he kept aloof from the others during the conversation, and took no part in it. The others seemed to be listening and observing everything intently, but this fellow stood off alone, to my left and rear, and smoked, and seemed to be paying no attention to what was going on.

By Mr. HOOKER:

Q. Were any of the Southern Utes of Colorado in the fight?—A. I do not know. My impression is that there were Indians in the fight that did not belong to the White River Agency; but that impression comes from the fact that there were more Indians there than the reputed number of warriors at the White River Agency.

Q. May not they have come from Uintah Agency?—A. They may have; and I have heard that they did come from there. I have also heard that there were Shoshones or Snakes and Arapahoes in the fight, but I do not believe that.

Q. The chairman was about to ask you a while ago whether, at the time when these Indians were having the conference with you at which Jack spoke, or at any time when the Indians were present, any of your soldiers were under the influence of liquor.—A. There is not one particle of foundation for any such statement. I have seen that statement in the newspapers, and I am very glad that the question has been asked me. There is not a shadow of a foundation for it.

Q. Is there any truth in the report that there were two or three bar-

rels of whisky found in the camp which the Indians captured in the time of this fight?—A. No, sir. The only whisky in the command that I know of was that contained in the sutler's wagon. I do not know whether it was in barrels or bottles. I know there was some in bottles, because during the fight, when I got back to the corral, there was a soldier with a bottle of whiskey in his hand. I went to him at once, took the bottle out of his hand, broke it over a wagon wheel, went to the sutler's wagon and put a guard over it, and gave the sutler orders not to let any whisky go from there except by my order, or upon the order of the doctor, for the wounded; and there was not a case of drunkenness, or of anything approaching to it, in that command except one, and that a very trifling case, which arose under very peculiar circumstances, namely, that a certain man took a little too much brandy just after he had received a painful wound. He was opening a panier for the benefit of the wounded, when he received a very painful wound just under the neck, and without stopping his work or doing anything for the wound he put a brandy bottle to his lips and drank a little more brandy than he ought to have taken, and for ten or fifteen minutes he was under its influence. As this question has been asked me, however, I wish to say that I hope the committee will not require me to mention the name. The services which this man rendered in that affair with the Indians were so conspicuous and magnificent that I do not feel disposed to mention his name, and I do not think the committee ought to ask for it, or that any mention should be made of the matter.

The CHAIRMAN. There was no occasion to give the name.

By the CHAIRMAN :

Q. You were not wounded yourself?—A. Yes, sir; I was wounded twice.

By Mr. POEHLER :

Q. Severely?—A. Not severely, but painfully. I had my horse shot under me, and I was pretty badly hurt by the fall, worse than by my wounds. My wounds did not trouble me until sometime afterwards, until the doctors got hold of me.

By Mr. HOOKER :

Q. You did not go to the agency at all?—A. No, sir.

Q. You came back to the railroad with your command?—A. Yes; the original command came back.

Q. When you speak of Colonel Merritt's coming to your relief and taking a portion of his command and going out upon the mountain to view the scene of the fight, you say that he was attacked; were there any losses sustained by his command there?—A. No, sir. There was a horse shot, I think; and I believe there was a man scratched on the arm, and that was all.

Q. Were there any Indians killed there?—A. I think not.

Q. And after that there was no further fighting?—A. No further fighting until the killing of Lieutenant Weir and a guide who was with him. That occurred, I believe, on the 20th of October.

Q. Are you familiar with the circumstances of that affair?—A. No, sir. I think there is but one person, who is Lieutenant Hall, of the Fifth Cavalry.

By Mr. POEHLER :

Q. That was after the troops got to the White River Agency and went out again from there?—A. Yes, sir. General Merritt was going ahead to prosecute this campaign, and he sent Lieutenant Hall with a

detachment to seek a practicable route for wagons to get over the mountains. He also sent a battalion of cavalry as an escort to the party, but in some way they missed each other at the point of rendezvous, and Lieutenant Hall's party was isolated; and while they were out they had a fight with the Indians. In the meantime Lieutenant Weir and Huma, General Merritt's chief guide, were with Lieutenant Hall, who had gone off hunting, and they were some little distance from him, and there were two separate and distinct fights, one with Lieutenant Weir's party, in which he and the guide with him was killed, and the other with Lieutenant Hall's party. Lieutenant Hall had none killed, but I believe killed an Indian, or Huma, his guide, killed one, as they say.

By Mr. HOOKER :

Q. How long was it after this rencontre between General Merritt and the force he had on the mountains that the troops arrived at the agency; what was the earliest arrival of any of the troops at the agency?

—A. General Merritt arrived at Milk River on the morning of the 5th, and at the agency on the 10th. He did not go on at once because his command was organized as a relief column for us, and they were pushing through in fighting trim without any supplies.

Q. State at what time the troops under Colonel Merritt, after he arrived and took command, were halted in consequence of the efforts of the Secretary of the Interior, through this commission, to effect a peace?

—A. That I cannot tell.

Q. Were they not halted for some time?—A. I know that General Merritt organized a command from the agency, a movable column of cavalry and infantry, and that he started in pursuance of this object, leaving the battalion of infantry at the agency to guard the property and supplies there; and while he was prosecuting this movement he was recalled by orders from the War Department.

Q. At the instance of the Secretary of the Interior?—A. Well, I don't know, but I presume so.

By the CHAIRMAN :

Q. Was there any feeling manifested between Jack and Major Thornburgh in their first interview?—A. I don't think there was; I did not discover any. There was feeling on the part of Jack towards all of us.

Q. But nothing occurred there in the camp to produce that feeling?—A. No, sir; nothing.

Q. He came there with that feeling?—A. Yes, sir. But Jack disguised it much more successfully than Colorow did. Colorow was aggressive; there was no compromise in him at all.

Q. Did he make any threats while he was there?—A. No, sir; no threats except by his manner. He refused to smoke, and when an Indian refuses an invitation to smoke it means a declaration of war.

Q. Was there any effort made to allay his feelings?—A. Yes, sir; we talked with the Indians and told them that we were going to the agency to straighten matters out and not to fight, unless the Indians forced us to it. Since you call my attention to that branch of the subject, I recollect distinctly that to one of Jack's questions about what the soldiers were going to do down at the agency, Major Thornburgh made some such reply as this: "Jack, you know how it is—some Indians good, some Indians bad, some white men good, some white men bad; we are friends to good Indians, but are not friends to the bad Indians." What construction Jack put upon that statement I don't know, but that is about the substance of what Major Thornburgh said to him, and I think I said about the same thing to him in effect. There is another thing

that I wish to call attention to : On the night before the fight, when we were camped at Bear River, my courier, Gordon, went out from camp to the ranch of a settler named Peck, a citizen of Colorado, and there found some ten or fifteen thousand rounds of fixed ammunition, Winchester cartridges, and a number of rifles, I think, and upon his own responsibility he seized that property and *cached* it. Peck was a white man. I am told that he had another ranch down near the agency at which ammunition and arms were sold, and I am credibly informed that Mrs. Peck, on the evening of the day when Jack and these other Indians were in our camp, sold to that party of Indians some four or five thousand rounds of ammunition while we were camping within three miles of her. Peck, fortunately for himself, left that country before we got back.

Q. In your journey up to the reservation, did you see any evidences of recent fires?—A. Yes, sir; constantly, the whole country was on fire.

Q. Did you see any after you crossed the reservation line?—A. No, sir; not until after the fight. These fires that I have spoken of as having raged in Milk River bottom were on the north side, and the boundary line at that point was on the south side, but the mountains to the left of our road all the way down from Fortification Creek—from Snake River in fact—were burning; the country outside the reservation, and for months as I was informed, and for a month as I know myself, it was the common report through all that country that the mountains were on fire, and the timber and grass lands of Northern Colorado were being burned, and we could see the clouds of smoke obscuring the heavens for days at a time.

Q. Did Jack complain to you of Mr. Meeker, because he required him or the other Indians to work the land or to send their children to school?—A. Yes; he used the term "plowing" and he did complain of that; it was one of his grievances.

Q. That and the red-painted wagon were his principal grievances, were they?—A. Yes, sir; the red-painted wagon was the principal one.

By Mr. HOOKER:

Q. In connection with farming, did he say anything about the agent insisting upon breaking up their pasturage land, in addition to that which had been already broken up?—A. I don't recollect. He said something about one Indian being given a piece of land, but that was a matter that I could not exactly get the drift of, his language being broken. I understood him to say something about some Indian being given a piece of land by the department and that they wanted to take that land away from him, and had commenced to plow it, and somebody had been shot at while he was plowing; indeed, Jack told me that the man was shot at to scare him; that they did not want to hurt him, and I can readily believe that, because if an Indian shoots at a man at a reasonable distance, he is a very apt to hit him. They are fine marksmen. That fight of ours was the only occasion where I have ever seen soldiers out-shoot the Indians; we did out-shoot them at that time and it was the only thing that saved us.

WASHINGTON, D. C., March 17, 1880.

OURAY, a chief of the Ute tribe of Indians, appeared before the committee and testified as to the recent Ute outbreak in Colorado. He

spoke in the Spanish language, and his testimony was interpreted by Will. F. Burns, a sworn interpreter. Having been sworn he testified as follows:

By Mr. HOOKER:

Question. This committee, acting under instructions of the House of Representatives, to inquire into the actual cause of the outbreak at the White River Agency among the Utes, want to get at the bottom facts, whether they implicate the white people or the Indians. We are here, as an impartial committee to investigate the facts, no matter upon whom they reflect. If the white people have been the cause of this difficulty we want to know it; give us all the causes.—Answer. The first thing I heard in regard to these troubles, was that Jack (who is here in the city now), one of the White Rivers, came to the agency and wanted me to write to the department here in regard to their agent. They were not well satisfied with him.

Q. What agent?—A. Mr. Meeker; he said that they were not well satisfied with him as an agent. Meeker said that the agent before him used to make a good deal of them, more than he would make; that they were not many and he could not make much out of them, and they would have to do as he said.

Q. This occurred in an interview between Jack and him?—A. Yes, sir.

Q. How long was that before the encounter with the troops and the killing of the people at the White River Agency?—A. It was when Mr. Meeker first went there.

Q. Relate, as briefly as you can, all the facts within your knowledge, with regard to the difficulty between the agent and the Ute Indians at that White River Agency, and about the subsequent killing of the white people, Meeker and his employés, and all you know about the battle between the soldiers and the Indians; state all the causes that led to it.—A. It started in that way, commencing when Meeker first came there. Jack, when he came to me with that story, wanted me to write to the department and have them send out another agent. I went to the agent there at my agency, and told him about that, and wanted him to write, but he did not listen to me and did not write. Then Jack went back, and afterwards a couple more of Indians came, I think Kaniach and Katosch, and told the same story. I went again to the agent, M. J. Kelley, to ask him to write, but he did not. This did not happen right along, but there was quite a time between the two interviews. I heard things about it between the times, but not officially, not from men who came to me in regard to it.

Q. When you went to Kelley the second time, did he write?—A. He did not. Then afterwards another party came with the same story, and wanted to remove this agent and put another agent there. I was very sick at the time, under the care of a doctor, but I went to the agent again and told him about it, and wanted him to write. He agreed to write the letters for me but did not do so, at least I was never called up to certify to it. I told the agent at the time, "If you do not write and have this thing fixed, there will apt to be difficulty in regard to it, and when any difficulty turns up do not be saying afterwards that you had no notice of it; that you had no time to prepare for it." Then Jack sent word that he was going to Denver to present the business before the government, and have the agent removed. Jack and two other Indians went there. Sahwitz, one of the Indians here now, went with Jack on that trip. They saw the houses on the Rio Urso or Bear Creek, which

it was claimed had been burned. Jack, on the trip to Denver, saw these houses as they were not burned; the houses belonged to a man named Thompson. The difficulty between Johnson and Mr. Meeker before the outbreak was that the Indians had marked out lands for building lands, and that Meeker started in to plow them up. Johnson told him not to do it, that they had got it marked out for building lots. Then Meeker got very mad and told Johnson that he and his son were bad men, and Johnson asked him why. Johnson said to him, "Everything the government has asked me to do I have done. I have got a house built; I am planting in the ground; what have I done that is bad?" Then Johnson took hold of Meeker and said, "You had better go; you are a bad man; not good for an agent; you had better go and let the Commissioner send another man. Plenty of Americans come out here, you are not the only one. They have got plenty of good men." Then Meeker was very mad and called Jack and talked with him in regard to the matter; and Jack told him that it was nothing to make any fuss about; that there was no use writing about it and making any fuss about it; that he had better let it pass. Meeker told Jack it made no difference what he said, that he could keep on talking, but that he (Meeker) would write, and if he wrote it would make a difference. Afterwards when troops started out from the fort, about the time of the commencement of the trouble at the agency, the Utes had notice of it and talked with Meeker about it, but Meeker denied their coming there, saying that they were not coming.

Q. Did Mr. Meeker threaten to send for troops because of the difficulty between Johnson and himself?—A. No; he did not say he was going to send for any troops on that account, but that he was going to write to the department about it. The Utes knowing the troops were coming would go to Meeker and inquire about it, and he always denied it. The Utes got information from the white men that the soldiers were going to arrest some five or six Utes, but for what reason they did not know. Then Jack went to the troops to talk with the officers, and told them they had better not go to the agency, they had no business there; and that whatever the agent had been writing in regard to that were lies.

Q. Fix the time of that conversation between Jack and the officers; how long was it before the killing and before the battle?—A. About three days before the fight. I am not certain about the time, but I think about three days—not more than that. Jack told the officers that it would be better to stop, and only five or six go to the agency and have a talk, and the officers told him that it was a good idea. But they did not say that they would stop. All the time there was couriers running between the officers and Meeker.

By Mr. GUNTER:

Q. Did the officers tell him they would stop as soon as they came to a good camping place for water?—A. The officers did tell him they would stop in some place on the other side of Milk River, but they passed the place and went to Milk River, and there they fought. They had agreed to stop before they got there, but did not stop and went on. Jack then came up towards the troops with 30 or 40 persons with him and struck camp, and from the appearance, he thought the soldiers were going to camp on the Milk River. The soldiers did not stop on the Milk River, but kept right on, and went into the Indian camp. The Utes were camping on a hill, and a road went around the camp. They were waiting, thinking the soldiers would strike a camp on the Milk

River; if not, that they would go down the road. Instead of this the soldiers took a small trail that led up the hill right into the Ute camp, and that is where they fought.

By Mr. HOOKER :

Q. Which party fired first, and which brought on the engagement?—A. According to what the Utes say they both commenced about the same time.

By Mr. WHITEAKER :

Q. This is all hearsay on your part?—A. Nothing but hearsay, from good men. I believe Jack did what he could to avoid a fight. The soldiers got off their horses and formed in line to advance, the Indians fell back a little; Jack told them not to fire.

By Mr. HOOKER :

Q. What was the time of this battle between the troops and the Indians, and what the time of the massacre of the people of the agency?—A. When I first heard of the soldiers coming, the agent told me. I was going out on a hunt; when the agent told me I did not pay much attention to it, but went to the Gunnison to go hunting. When I got there I received information from the Indians that the troops were going to the White River Agency; that the Indians did not want them to, but that the troops were going. When word came from the White River Agency that the soldiers were coming in and that the Utes did not want them, two of my captains, young men, started to White River to tell them to let the troops come in; that it made no difference. Two men knowing my views started out to White River to tell them not to put any obstruction to the troops coming in, and at the same time sent word to me that they had started out. On the road one of the horses of one of these couriers, or young captains, played out and that delayed them some, and when they got to the White River camp, the Utes had already fought with the soldiers. They got to the White River camp about 9 or 10 o'clock, and then they started back.

By Mr. POEHLER :

Q. Was it 9 o'clock in the morning or evening?—A. About 9 or 10 in the morning, as near as I understand.

By Mr. GUNTER :

Q. Was it the day of the fight that these young men got to the agency?—A. I understand that it was that same morning that they fought. No news had come in as yet about the agent having been killed. They only heard of the fight with the soldiers, not of the killing of Meeker. When those men got back they sent me word that the White Rivers had fought with the soldiers and I came back to my own house.

Q. Where is that?—A. On the Uncompahgre River. When I got there those men who had gone to the White River Agency were in my house. They told me this in regard to the fighting. All my headmen and captains were at my house waiting for me, in order to talk over this business. We were in council that evening and talked among ourselves about the fight with the soldiers—how it was best to stop it. We made up our minds to go to the agency in the morning and fix upon one white man and one Indian who should go up there and try to stop it. Just about as we got through with our council—about 10 o'clock at night—

in came another Indian and took a seat among us and said, "They have killed the agent and all the employés at White River."

By Mr. HOOKER :

Q. Who was that Indian?—A. He was an Uncompahgre Ute who happened to be near White River at the time—about 60 miles off.

Q. Did he profess to be present at the massacre, and if not, how did he get his information?—A. The White Rivers, who were in favor of peace and behaving themselves and talking well, sent couriers all over, carrying the news. Those implicated in the business did not. From those couriers, that were running, this man got his information.

Q. Were your Uncompahgre Utes engaged either in the battle or in the massacre?—A. No. Some people were in that trouble claiming to be Uncompahgre Utes, but they were not; they were really White River Utes.

Q. State as well as you can from the reports of captains and others who were the people engaged in this massacre.—A. As yet I know nothing in regard to who was there. They hide it from me, claiming that I am a friend and aider of the Americans, and they will not tell me or let me know anything.

Q. Who in point of fact has been arrested and surrendered as implicated in that massacre?—A. They have Douglas, whom they claim is implicated in it.

Q. Is he the only one who has been arrested?—A. He is the only one they have; they claim that he is implicated in it—that he may be able to give information as to who was in it.

Q. Where is he now?—A. I do not know; the government ought to know where he is.

By Mr. POEHLER :

Q. How many were engaged in the massacre of Meeker and his employés?—A. I do not know.

By Mr. GUNTER :

Q. Who commanded the Utes in the fight with the soldiers?—A. Jack was there.

Q. Was he the commander of the Utes?—A. He was there to talk with the officers.

Q. How many warriors had he in the engagement, as nearly as you can tell?—A. How many does the other evidence claim was there?

Q. We want you to tell.—A. I do not know how many there were; there were very few, as I understand it.

Q. Was there any difficulty between the White River Indians and Meeker as to what pasture lands should be put into plow lands?—A. Where they used to keep their milk-cows he wanted to plow up.

Q. Did the Indians say that he could take their other lands, but leave those alone; that those were pasturage?—A. Douglas told him that.

By Mr. DEERING :

Q. Was there any cause of grievance before that? Were the Indians satisfied up to the time he commenced plowing?—A. They had trouble with him all the time in regard to the rations and other things, but put up with it before that.

Q. Was there any dissatisfaction with the government or our people generally, or did the cause of complaint originate then?—A. I do not know of any trouble they ever had with the government. I never heard of any.

WASHINGTON, D. C.,
March 18, 1880.

OURAY appeared before the committee, and continued his testimony through the medium of an interpreter, as follows:

By the CHAIRMAN:

Question. What excuse or justification is given by the White River Utes for the massacre of the agency?—Answer. I think that Meeker wanted all the time to get them out of the land—wanted to make some row in order to get them off the land. That is the way it seems to me.

Q. Is that the reason that Meeker was slain?—A. The idea was that when the Utes fought the soldiers and some Indians were killed, they believed that Meeker was to blame for calling the soldiers—that he was in fault for getting the soldiers there and having any fight; and for that reason and others they killed him.

Q. Were the Indians in the fight those who committed the massacre?—A. As near as I understand it a part of them were. A brother of Johnson, who was in that fight, left there and went back and massacred Meeker. That is what this brother of Johnson said while he was still alive. He died a few days afterwards. That is all I know as to who was there.

Q. Was the property at the agency after the massacre stolen or destroyed?—A. I understand that part of it they took with them; but most of it was destroyed. Blankets and one thing and another they took.

Q. Do you know in whose possession any of this property is now?—A. No; all I know about it is what some women said. I did not hear anything about it from any of the men.

Q. Do you understand the provisions of the late contract made between you and the Secretary of the Interior; are you perfectly satisfied with it, and are your people perfectly satisfied with it?—A. I did not come here to make any treaty; all I came here for was to settle up this White River business and represent my people, and try to settle the thing peaceably; but the Secretary of the Interior wanted to make this treaty, and we have fixed up a treaty in this way. Now, I will go back and see what my people think of it.

Q. Are you entirely satisfied with it yourself?—A. I am not so very well pleased with it myself as I might be, but if my people want it I will be satisfied with it. I have a very nice ranche, and have settled down and do not care to move; but if the government pays me for the ranche, and the people want to move and sell the land, as the treaty calls for, I will be satisfied.

Q. If there had been no difficulty, would you have been willing to sign the treaty?—A. That would not make any difference; having satisfied my people I would be satisfied.

By Mr. WADDILL:

Q. In the twelve million acres of land in the Ute Reservation in Colorado, is there not plenty of agricultural lands for your people without going to Utah?—A. There are a good many Utes, and I think it necessary to go to Utah in order to get sufficient land. They are scattered now all along the Uncompahgre and the Gunnison clear into Utah. I do not think there is sufficient agricultural lands in Colorado in the reservation to supply them.

Q. How many Utes are there?—A. I think something over 3,000. All the White River Utes are off towards Utah now. Not one of them is near his agency.

Q. Do they prefer going into Utah?—A. I think that some of them would prefer going there, but I am not sure about it, as I have yet to talk with my people and find out what they think. I have got a very nice ranch, and have been to a good deal of trouble and expense. I am not well satisfied to leave it; but if my people feel satisfied to go down on other lands, I will go too.

Q. Do you think it will suit your people?—A. There will always be difficulty to persuade some of them to go. Very many are opposed to moving—to leaving their present lands. But I think it may be explained in such a way that, if it is not pushed upon them that all must move from Colorado, that they will accept. It would be but moving upon the border, and a greater part would be in Colorado.

By the CHAIRMAN:

Q. If lots of land are distributed in severalty, as the agreement calls for, will your people settle down there and cultivate them?—A. It is not likely that all of them will want to go right to work farming. A large portion of them will. They have wanted to do so where they are now.

Q. Is there not some danger of their being defrauded out of the land by the white people? Will they not sell the lands to the white people?—A. I do not think that if they were at liberty to do so they would do so; but it is in the patent that they cannot sell for 25 years. After a number of years, when they become somewhat civilized, they may want to sell their lands.

By Mr. GUNTER:

Q. How long was it after Meeker reached the agency before Jack went to you and complained of Meeker's conduct?—A. I am not certain as to the time Meeker went there; but Jack came to see me about a year ago last fall, when General Hatch was making treaties with the Southern Utes.

Q. What had Meeker said or done that caused Jack to complain of him at that time?—A. I gave my reasons pretty much yesterday as to what Jack complained of, and another was that they had very hard work to get rations. He would not give rations to some of the Utes who belonged there. If any other Utes—the Uncompahgre, for instance—came there on a visit he would never give them anything to eat. It is the custom at agencies, when Indians are visiting another tribe, to have them go to the agency and get provisions. He had a list made out of the Indians which he thought belonged to the agency, and he would set them down in a circle to receive rations. As he went around giving out the rations, if he saw a person whom he thought was a stranger, and whose name was not on that list, he would not issue any rations to him. Chipetah (Ouray's wife) says that once when she was there she noticed that they did not get anything from the agency, but were buying provisions from a store on Bear River.

Q. Do you know of any parties of whites hunting minerals or prospecting on the reservation at any time, and, if so, when?—A. I have not seen any, nor do I know of any hunting minerals. I have seen men coming and going about, traveling on the roads, but I do not know that they were hunting minerals.

Q. Have you heard any complaints from your people that the whites were hunting mineral lands?—A. I never heard any of them complain of anything of the kind. I have heard them say that they had seen men on the mountains.

Q. Were they traveling or in camp?—A. They would see them trav-

eling mostly, but sometimes they would be in camp. I do not know whether the camp was permanent or not.

Q. Do you know of any whites taking stock on any portion of the reservation?—A. I have heard that there were some herds pasturing on the Gunnison River, and up around Savoje Creek.

Q. What part of the reservation is that?—A. The upper part.

Q. Were the herds large herds?—A. I understand that there were large herds there, and that some men had put up fences and gone to plowing.

Q. How long had these herds been there?—A. Three or four years.

Q. Are they still on the reservation?—A. I understand they are.

Q. Have your people manifested any dissatisfaction about those herds and about the whites being on your reservation?—A. They did not complain. They looked upon it as the business of the government to fix that, and they let it go.

Q. Do you know anything in regard to your people burning houses and forests in Colorado; if so, to what extent?—A. I have heard nothing about it except what I have seen in the papers. When I came to examine them I could not find that they had burned any cabins or forests. Last year was a very dry year. Where there had been a camp over night and a little fire was left, in the morning a wind might come up and scatter it and set fire to the place, and the whole country would burn up in that way. I do not think anyone was to blame—miners, campers, or anyone else. It was so dry that there was no grass. Everything was dry and dead, so that it was easy for everything to catch fire.

Q. Do your people lay claim to that portion of Colorado known as the mineral or northern part?—A. No.

Q. Have your people ever expressed any dissatisfaction to you on account of the whites settling on that part?—A. No. Last summer, when some Utes were there hunting, an order came to them that the whites did not want them there, and Douglas went and brought them back.

Q. How many cattle or stock ranches do you know of being on this reservation?—A. There is one toll-gate house there, and they have put up large fences, and fenced a large piece of ground. On Indian Creek there is a stopping place—called a mail post. That does not make any difference; but there are other men right there cultivating the ground. On Savage Creek there is another mail post, and there are more men there planting.

By Mr. WHITEAKER:

Q. Up to the time of Meeker's becoming agent, had the Utes been on good terms with the whites?—A. I had not heard of any trouble between the whites and the Indians, or any dissatisfaction until Meeker came there.

Q. What do you know of any murders of white men by Indians before the arrival of Meeker as agent?—A. I do not know of any white men being killed by the Utes before Meeker came there, except, I believe, at the time Meeker was there a cousin of mine was killed by a white man, and the Utes killed a white man. We had a council with General Hatch and had the thing settled.

Q. Did the whites, before or after Meeker became agent, trespass on the reservation, or in any way take advantage of the Indians, or were they friendly and on good terms?—A. They never had any particular trouble or quarrel. They would sometimes argue about the lines of the

reservation, and pretty nearly every summer some surveyor would be sent out to survey the line over again, and, as a general thing, he made it smaller than before.

Q. And the government, up to the time of Meeker's arrival, kept good faith with the Indians in all things?—A. So far as I know, the government kept faith with the Utes before that time. There would be some trespassers in the reservation, and the government would send out troops. They would go out and make a lot of noise, and go back. I do not know what kind of a report they would make, but they would not get the trespassers off. The trespassers would be there when the troops left, and they are still.

By Mr. DEERING:

Q. Were the White River people opposed, when Meeker went there, to having their lands plowed and cultivated?—A. No.

Q. Then this trouble occurred when Meeker undertook to plow; not from the fact that they were opposed to plowing the land, but on account of the manner and place of doing so?—A. Not on account of his plowing, but because he wanted to plow on particular places which they had picked out for building lots.

Q. Is it your opinion that there would have been trouble or a fight if Meeker had been sent away, and another agent appointed when they asked it, and when Jack was sent to Denver to see the government?—A. I think if they had removed Meeker that there would have been no trouble, and if they had not sent soldiers in there.

Q. Why were they opposed to soldiers coming in there?—A. Their objection was because they had heard that the soldiers were going to arrest some of them, and were going to do it at the time they were receiving annuity goods, and the Indians were scared about it. And for that reason Jack told the officer that five or six of them had better go on and investigate the business, because the Indians were scared that they were going to try to catch them when they were receiving their annuity goods.

Q. Did you hear, or had you reason to believe, that before that time Meeker had threatened to arrest or put handcuffs or chains upon some of them?—A. I did not hear anything certain, before the massacre, about Meeker's going to arrest anybody, but I heard that he was going to do so; but not on good evidence. It was just a flying report that I heard. But I had further evidence in the examination and investigation before the commissioners that went out there, Generals Hatch and Adams.

Q. There was a current belief among the Indians, before the trouble, that Meeker was going to have the soldiers come in and inflict some punishment?—A. That was the belief among them. They believed that that was what he was going to get the soldiers in for.

By Mr. HOOKER:

Q. You said yesterday in your examination that Johnson and his son had some difficulty with Meeker, and that Meeker had said they were bad men. Did Meeker then send for troops, or have you any knowledge of the fact, and how long was this before the massacre and the battle with Thornburgh's troops?—A. I heard of this trouble between Johnson and Meeker about two weeks after it happened; and after that I understood that the soldiers were coming in.

Q. Do you know whether Meeker, the White River agent, made any representations to the government upon which the troops were sent

there; and, if so, what?—A. I knew, from reading in the papers, that Meeker had sent for troops, and that they were going out there.

Q. How long did the difficulty between Jack and Meeker occur before the fight and the massacre?—A. It may have been three or four weeks; I do not know the exact time.

Q. Are you conscious of the fact that it requires, in order to consummate the agreement you have signed, the assent of three-fourths of the adult males of your people?—A. I know that it will take that many, and I want to get back and see about it.

Q. Has this agreement to sell your lands and have your people removed been entered into freely and voluntarily by yourself and the chiefs here with you; and is it a favorable arrangement for you to make in regard to the disposal of those lands, and settlement on others?—A. It seems to me the best thing we can do in order to maintain peace with the whites.

Adjourned until to-morrow.

WASHINGTON, *March 19, 1880.*

CHIPITA, wife of Ouray, speaking through an interpreter, testified as follows:

By the CHAIRMAN:

Question. How far from the agency where Mr. Meeker was agent were you at the time the massacre took place?—Answer. I do not know the exact time when the massacre occurred, and do not know where I was.

Q. State all you know about that difficulty between the Utes and the whites, the battle and the massacre?—A. I know nothing about it.

Q. Were you at home when the Meeker women came there? If so, who brought them there, and what was their condition when they arrived?—A. I was at my house when they came there; General Adams came with them.

Q. What condition were they in when they came, and what representations did they make at that time about the massacre?—A. They seemed to be all right, but did not talk with me.

Q. What reasons did the Indians give for committing this massacre at the agency?—A. I do not know what reason they give.

Q. Did they say that Mr. Meeker was a bad man?—A. I heard some of them say that he was a bad man.

Q. In what respect did they say he was bad?—A. They said he was a bad man, that he talked bad.

Q. Did they say that he did anything bad?—A. Some of them claimed that he was always writing to Washington and giving his side of the case, and all the troubles at the agency.

Q. Is that what they killed him for?—A. I do not know whether that is what they killed him for, or what they did it for. I know nothing personally about it except what I have heard talked among the women.

Q. Tell us what you heard on that subject—all you heard?—A. I have already stated about all I heard.

WASHINGTON, *March 19, 1880.*

JACK, a Ute chief, speaking through two interpreters, testified as follows:

By the CHAIRMAN:

Question. We have heard the white men's story about the recent

troubles with the Ute tribe; we now wish to hear the Indian side of the question; therefore, please state all you know about it.

[The witness made no response, and the interpreter suggested that the best course would be to question him.]

Q. Were you in the Thornburgh fight?—A. I went to meet the soldiers and told them they had better not go to the agency, but had better go back.

Q. How long was that before the fight?—A. Three days.

Q. What did the soldiers say?—A. They told me that they would not go back, that they had orders to go on.

Q. What did you say to them?—A. I asked them why they received such an order and what they were going to do with the Indians. They replied that they heard that the forests on the mountains were all burning up, and for that reason they came out there.

Q. What did you do then?—A. I told them that I did not think the Utes burned them; that probably miners or prospectors left fires behind them which spread to the forests.

Q. Who said that the Utes were burning up the forests?—A. The soldiers said so, and that that was the reason they were coming.

Q. Did they say anything about Mr. Meeker having sent for them?—A. Yes; they said that Mr. Meeker had called for them.

Q. Did you tell the soldiers that they must not go to the agency?—A. I did.

Q. Where were the men of your tribe, and how many had you with you at the time you were at the soldiers' camp?—A. There were five of our people who went to the camp. The remainder of our people were some distance off; I do not know how many miles.

Q. How many men had you and how far away were they at the time you went to the soldiers' camp three days before the fight and saw Major Thornburgh? How long before the fight took place did you get your men together with their guns for the fight?—A. I never got them together to fight.

[Here the Chairman, through the interpreter, told the witness that the committee did not wish to take any advantage of him, and that he must answer freely.]

Q. Who began that fight?—A. The soldiers fired first.

Q. How many of your people were in the fight?—A. About fifty.

Q. How many Indians were there altogether? How many were there that did not fight?—A. I did not see all that were around, and I could not tell how many there were.

Q. Where did the fight take place?—A. At what is called Milk Creek.

Q. Did you see any white men—any of the soldiers—making friendly gestures or signals, trying to give the Indians to understand that there was to be no fight?—A. I did not see any signal of that kind.

Q. If the Indians did not go to Milk Creek for the purpose fighting, what did they go there for?—A. That is where I was living at the time; where I was camped.

By Mr. POEHLER:

Q. Were your wife and children at Milk Creek with you?—A. My wife and children were there when the soldiers were coming up, but when the soldiers came nearer the women and children packed up and left.

Q. What made them go away?—A. When they knew the soldiers were coming they got afraid and thought it best to leave.

Q. Did the fight occur on the Ute Reservation?—A. I think it was about on the line.

Q. Why didn't you stop the soldiers before they got to the reservation line?—A. I was not trying to stop them at all by fighting; I tried to stop them by talking, but in no other way.

By Mr. HASKELL:

Q. How many Utes were killed in the fight?—A. There were twenty-seven killed.

By the CHAIRMAN:

Q. How many whites?—A. I do not know.

Q. Who commanded the Indians in that fight?—A. There was no particular chief in charge during the fight. It came on suddenly.

Q. Were you there?—A. I met the soldiers at Bear River. I said, "What is the matter? What are you coming for? We do not want to fight with the soldiers. We have the same father over us. We do not want to fight with them." The soldiers had letters or couriers passing between them and Mr. Meeker at this time, and they said that they had got a telegraph from the Commissioner to go to the agency, and for that reason they were going; that the Indians were burning up the forests around there and had burned Mr. Thompson's cabin. I told them it was a lie; that the Indians had not burned up the Thompson cabin, but probably miners had been looking for gold lower down and made a fire and went to sleep and the whole thing took fire; or else they left the fires there and the fires spread after they went away.

Q. Tell all about it.—A. I told the officers, "You leave your soldiers here; I am a good man; I am 'Jack'; leave your soldiers here, and we will go down to the agency." I told the soldiers that I did not want to fight with them; that they had better camp there and not go down. They said they would go to White River to catch bad Indians—that they would all go to White River and catch some bad Utes and take them back home with them. They said some of the Utes were not good men and they wanted to catch them. I told them that that was not good; that we did not want to fight; and, as I said before, that the soldiers were my brothers; that some of the soldiers were brothers, some nephews, some cousins of mine. I talked, but the soldiers did not seem to understand, and I went back home and had no more talk.

By Mr. POEHLER:

Q. Did the soldiers agree to stop at any point?—A. They said, "No stop."

Q. What happened after you went home?—A. I went back home to camp and did not see them.

Q. Didn't you see them in the fight?—A. No; I did not see them fight.

Q. Were you not in the fight at Milk Creek?—A. I did not see them again until a white man came from the Uncompahgre Agency with a white flag and I went with them.

Q. Then you did not see the fight?—A. No.

Q. Where were you then?—A. At camp.

Q. When did you next see the soldiers?—A. I did not see them.

Q. When did you last see Mr. Meeker?—A. I did not see him.

Q. How far is your home from the agency at which Mr. Meeker was?—A. I camped at White River at the old agency. I do not know how far; I can go in.

Q. When was the last time before the fight that you saw Mr. Meeker?—A. Three days.

Adjourned.

WASHINGTON, *March 26, 1880.*

JACK, a chief of the Utes, was recalled and further examined (through Ouray and another interpreter), as follows:

The CHAIRMAN. I have learned that, misunderstanding the questions put to you, you made a wrong statement yesterday, and I wish to give you an opportunity to correct it this morning. Go on now and tell all you know about that fight from the beginning to the end.

The WITNESS. I fell into that mistake on account of the interpreter. He was not getting it correct, and I thought I would get into trouble in that way.

Question. You may correct anything that you said wrong yesterday. Will you now go on and tell us the whole story without any further questions?—Answer. I first started out to go up to Bear Creek to the store of a man named Baker. While I was in Baker's house I heard some shots up the road, and a little while after along came a soldier, and a policeman (a sheriff). Baker's wife went outside and saw this soldier and the other man coming, and came back into her house and seemed scared, and said to me, "Go inside"; meaning into some other apartment. I didn't know what she meant by it, but she seemed to be afraid. When the soldier and the man came up to the house and saw the woman they asked her why she was afraid; they said, "Don't be afraid; we are just out on a hunting expedition." The soldier and the sheriff I knew; I had seen the soldier at the agency of the Shoshones. I got talking with the soldier, and he said to me, "Why don't you come up to my camp?" I said "Where is your camp?" The soldier said, "It is above here about two miles." I went up with the soldier to the camp. I found them encamped at the bend of the creek. I thought before I went up there, that there were only a few, but when I got there I found that there were a great many. As I was getting into the camp I met some soldiers fishing in the creek, and they called to me by name, "Jack!" The soldier and I went up to a large tent, and the soldier got off his horse in front of the tent. There were a good many men inside. I spoke to the officer and men, and shook hands with them and said, "What is the matter? What is up?" Seeing so many soldiers I did not understand. I asked one of the officers, "What is up? What are you going to do?" And the officer said, "We are traveling." I asked him what he was traveling for—what business he was on. He said that he had started out from Fort Steele. I asked him again, "What are you marching for?" The officer said, "We have a notice from your agent, and for that reason we are coming." The officer said that they had received notices for a long time that the White Rivers were abusing their agent, and that he had received an order from the department to go there; that he had received one order from the department and did not go, but the second time he received the order he began to march. I told the officer that it was a lie that we had been mistreating the agent, but the officer said that didn't make any difference, that he had to go on. I told him again that it hadn't been long since I had seen the agent, and he seemed to be all right, and that it was all a lie about the Indians mistreating him. The officer told me that there were further complaints of the Indians burning forests and grass and houses, and for these different causes he had to come out there. I told him then that it would be a good idea to send some men up to look at the house that it was claimed was burned, that it was not far off—Thompson's house. I wanted them to go there and see the house, because I had seen it and it was all right, with the corrals and

everything else not burnt, although there was some burning around outside near it. I saw the house when I was on my way up to Denver, and when I got back, and it was shortly after that I met the soldiers.

Q. How many days before you met the soldiers at Bear River?—A. A very short time, four to six days; I don't remember exactly.

(Sawawick here remarked that it must have been nearly ten days from the time they passed the house on their way home until the time when Jack met the soldiers at Bear River.)

I told the officer that he had better leave his company there, and he and some of the officers go down to the agency and see the agent; "Then," said I, "when we get down there you can see whether he has been badly treated, and whether he has got his bruises, and all that, that he claims to have; when I saw him I could not see that he had been misused any." The officer said he would not leave any of his soldiers, that he would go with the whole of them to the agency. I told him that it wouldn't be very well to go in there with all the soldiers, because the Indians would get afraid at seeing so many soldiers coming into the agency.

Q. Did the officer say what they would do when they got to the agency?—A. The officer told me that there were some very bad men among the Indians, and he had orders to get them; he mentioned three Indians, and said there would be some more besides them; he mentioned "Glasseye," "Chinaman," and "Johnson." I told the officer that I thought that those three that he mentioned were not to blame for anything; that I did not believe they had done anything to be arrested for. The officer told me that that would not make any difference, that he had the orders to catch them, whether they were guilty or not, and if in this case there was any trouble between them and the troops, and somebody got killed on the Indian side or on the soldiers' side that was all right, it would not make any difference; that if there was any difficulty in catching these Indians, and the Indians and the soldiers had to kill one another, it would have to be done. I told the officer that this was a very bad business; that it was very bad for the Commissioner to give such an order. I said it was very bad; that we ought not to fight, because we were brothers, and the officer said that that didn't make any difference; that Americans would fight even though they were born of the same mother. I told him again it would be a bad business for them all to go to the agency; that he had better leave the soldiers where they were and let the officers go in with me to the agency and settle the matter. I kept repeating to the officer that it would be better for him to take five or six men and go with me to the agency and fix the matter up. Then I told him it was late and I was going back. The officer said, "Where is your camp?" I said, "I have no camp; I am stopping down here at the store, and I am going back there to sleep." The officer told me that there were still two more divisions of soldiers on the road coming after him. Then I went back to the store and slept there, and the next day I went back to my own house. The officer told me before I left that he would camp on Milk River. When I got to my home I told my people about the soldiers coming, and said that I was going to see the officers again when they came as far as Milk River. My people said, "all right," and a number of them said that they too would go down and see the soldiers. About eight of us started out to go and see the soldiers, and when we were coming up one hill, looking across the valley we saw the soldiers coming down on the other side.

Q. Had the Indians their carbines with them?—A. They had no carbines. I was going to see the soldiers, and I understood it would not

look well for us to have arms, and that is the reason I did not have any. There were eight coming with me that were going down to talk with the soldiers; but some distance behind us was another lot, but not going with us nor on the same business. Then when the soldiers on the other hill saw us on this hill they came on fast to where we were. I told the Indians that were with me and those behind to stop and to let the soldiers come on.

Q. How far behind were those others; how many of them were there, and did they have firearms with them?—A. Those behind did have arms; how many there were I do not know, but there were a good many. When I went back to those that were coming behind and told them to stop, that the soldiers were coming, one of them stepped up and said, "Well, we want to see them, too." I told them that I did not think the soldiers would like the looks of things, to see so many coming with arms; but although I told them to stop, they went on to the top of the hill where the others were. Then when the soldiers saw us from the other hill they stopped, too. I said to our people, "The soldiers will be likely to think that things look bad over here"; and I told them to keep back at the place where I ordered them to stop—but to go beyond that. Still some of them passed on to front of me. I tried to keep them back; I told them to stop on the hill and look, but not to go any farther.

[Chief Ouray, who was interpreting for Jack here said: "I find I did not understand Jack correctly about the Indians crowding up. When Jack first came up on that hill the soldiers stopped on the other hill for a moment and he thought they were going to camp on the river, but instead of that they came down, travelling rapidly, crossed the river, and came up on the other side, and at this time when they were coming up towards him Jack was trying to keep the Indians back.)

The soldiers when they got down to Milk River instead of stopping there as I thought as they would, crossed the river, and instead of keeping the wagon road, which runs around the hill, they took the trail which led up to where the Indians were, and came up very fast on the creek. About that signal that it was said the soldiers made I did not see any, but I understood that some Utes who were off quite a distance from me on the lower side saw some signal—saw a soldier take off his hat and wave it, but I did not see that, nor did anybody near me. A Ute that is called "Ucco" saw the soldier waving his hat in that way and started to go down to where the soldiers were, but the soldiers afterwards I heard of it. The Indians and the soldiers both formed in line, and on the lower side of the soldiers' line is where I understand the hat was moved; I did not see it, but the Indians on the lower side did.

Q. I understand you to say that the Indian started to go to the soldiers when he saw the signal, but the soldiers themselves kept going on, and they got into the fight in that way?—A. The soldiers were not traveling at this time when the hat was waved; they had already formed in line; they were off their horses. Then I heard shots, but I still told my people to hold on, to wait. While I was talking the battle commenced, the firing on both sides, and I could not stop it; it was impossible to stop anything. I saw after they commenced firing from both sides I could not do anything more by talking. My talk did no good, so I shut up.

Q. Up on with your statement.—A. I have nothing more to say about the fight. I need not stop it.

Q. How long did the fight last?—A. The fight right there was very short.

Q. Were all your people in it, or, if not, how many of them were there?—A. I did not see the fight after the fight right there. After the soldiers went back to their wagons and were corralled there I did not see it; I had left. I do not know exactly how many Indians were in the fight; they were scattered around over the ground a good deal; I think forty to fifty.

By Mr. POEHLER:

Q. How many others besides the White River Utes were there?—A. The White Rivers only were there.

Q. Did the fight commence before the middle of the day or after it?—A. I think it was some time before the middle of the day.

By the CHAIRMAN:

Q. You said a while ago that you, with a band of eight Indians, went for the purpose of meeting the soldiers, and that another band behind you went for another purpose; what was the purpose of that other band?—A. They said they came there to look, the same as we did.

Q. Where did you go from the fight?—A. I went up the Wild Potato trail to my camp.

Q. After the fight, when did you first hear from the agency?—A. I heard from the agency that night, in the night.

By Mr. GUNTER:

Q. How far from the agency was your camp?—A. I do not know how far it was so as to tell you in miles.

By the CHAIRMAN:

Q. What did you hear from the agency first after the fight?—A. I heard that they had killed the agent and his employés.

Q. How did you hear that?—A. I heard it in the excitement; I don't know who told me first.

Q. When did you first see the Meeker women after the massacre?—A. Somewhere about six days afterwards.

Q. Who had them?—A. Johnson had them altogether. He told me it was not good to have them scattered around in different houses, and for that reason he had brought them together, and I said I thought it was a good idea.

Q. What did you do the next day after you heard of the killing of the people at the agency?—A. I went to look for some horses that I had lost.

Q. Did you go back to the agency after that; and, if so, when?—A. I did not go back there.

Q. Where did you go?—A. The first day I looked for my horses and found them, and the next day packed up my camp and began to move, and it took me until the time I arrived at this camp where I saw the women, as it was sixty or seventy miles from the place where my previous camp was. I did not go by the agency on the way.

[Ouray made a diagram showing that Jack's route took him not by the agency but away from it.]

Q. Did the women stay together after you saw them in Johnson's charge until General Adams came and got them?—A. At the time I saw them they were together, but afterwards when General Adams came there they were separated again.

Q. Didn't you see them any more from the time you first saw them until General Adams came? If so, were they together or separate?

State also whether you took charge of any of these women.—A. The different camps were traveling at that time when I first saw them. The camp in which the women were was ahead of mine, but we were all traveling. I did not see them afterwards. I was traveling along behind them. I camped on Grand River and they went twenty miles beyond and camped on a little creek.

Q. Who had charge of the camp that was ahead of you in which the women were?—A. Douglas.

Q. Who had command of those Indians that were behind you with arms at the time you went to meet the soldiers, just before the fight?—A. Colorow was in the band that was coming behind me, but he did not appear to be in command, nor anybody else.

Q. Where was Douglas at that time?—A. I don't know.

Q. Did Johnson belong to Douglas's band?—A. Yes, Douglas and Johnson were in the same band; they were traveling together at that time.

Q. When you had this interview with the soldier, did you see any fire-water at the soldier's camp? Did you see anybody who had taken too much of it, and did you get any of it?—A. No, I did not see anybody that appeared to be under the influence of liquor and they did not give me any.

By Mr. GUNTER:

Q. Were you sent to the soldier's camp that time by any one; and, if so, by whom?—A. No; nobody told me to go. I happened to be at this store buying provisions—flour, sugar, and coffee—and in that way I met the soldiers.

Q. Did you tell Major Thornburgh there, or the officer you spoke of, that if he entered the reservation with his troops there would be a fight?—A. No; I didn't tell him that.

Q. Did you and the Ute warriors leave camp at the same time when they went to meet the soldiers and got into the fight with them?—A. We did not start out together. The "warriors," as you call them, started afterwards.

Q. Did you know that they were coming behind you before you reached where the soldiers were?—A. I didn't know until I got upon the hill.

Q. When you went to meet the soldiers the last time with those eight men did you intend and did those behind you intend to make them stop if they did not stop willingly?—A. My intention was to go to Milk Creek, meet the soldiers in their camp, as I understood they were going to camp there, and go down to the agency with the officers, and I had no intention of trying to make them stop if they did not stop themselves.

Q. Why did you carry your arms, then?—A. It is the custom for Indians always to take their arms with them, no matter what they are going for.

By the CHAIRMAN:

Q. Go on in your own way and tell us all about the trouble between the Utes and Agent Meeker.—A. While Meeker was agent there I never received any provisions or rations at all. Meeker always said that he never would give my people any provisions, but I never had any trouble with him on that account.

Q. Did Douglas have any trouble with him?—A. I did not see any trouble between Douglas and Meeker, but our camps were always separate, and probably I would not have seen it if it occurred.

Q. Did you see anything of the trouble between Johnson and Meeker?—A. I was in my camp at one time and one of the employes came up

for me to come to the agency, and told me that Meeker and Johnson had had some trouble. From the talk of the employé I got the idea that Johnson had handled Meeker roughly and that I would probably see some marks on him, but when I got there Meeker was apparently all right.

By Mr. POEHLER:

Q. What caused the outbreak between Johnson and Meeker?—A. Meeker told me, when I saw him that time, that Johnson had been mistreating him. I told Meeker that it was nothing, that it was a small matter, not to get mad about that. I repeated that it was no use to make any fuss about it, that it was a small matter and he had better let it drop. Meeker said it didn't make any difference; that he would mind it and complain about it. I still told him that it would be a very bad business to make so much fuss about nothing. Meeker said he didn't like to have a young man take hold of him, that he was an old man, and had no strength to retaliate, and he didn't want to have a young man take hold of him in that way; he said that he was an old man and Johnson had mistreated him and he would not say any more to him; that he was going to ask the Commissioner for soldiers and that he would drive the Utes from their lands. Then I told him it would be very bad to do that. Meeker said that anyhow the land did not belong to the Utes. I answered that the land did belong to the Utes, and that that was the reason why the government had the agencies there, because it was the Utes' land, and I told him again that the trouble between him and Johnson was a very small matter and he had better let it drop and not make so much fuss about it. Meeker said, "Well, if the government has made these houses here for you, you stay here and talk"; and Meeker went out. I went out too. I then went to Johnson's house and asked him what he had done. Johnson said that the difficulty he had with Meeker was that as he left his house and was going out Meeker was standing in front of his house and called Johnson over to him. Johnson went over and Meeker said, "Why don't you take away your animals from here; drive them away some distance; they are eating up all the grass there is around here for the milch cows." I told Johnson that he had better have no difficulty with him, that it would make talk and trouble. Johnson said it was nothing, of no account. I then went back to my camp. That is all I know about that.

Q. Tell us now whatever you know about the difficulty between the Indians and Agent Meeker in relation to plowing.—A. Meeker sent for me again some time after this last occasion that I have told about. When I got down to the agency I went into the office and some other Indians that were there went in with me, and I says, "Well, what have you been doing now that Meeker sends for me again?" They did not answer, but looked from one to the other and didn't say anything. Meeker told me that he had called me because he wanted all those Indians that were there to move, with their houses and corrals and everything, below. I told the Indians to move as Meeker had told them to do. The Indians said, "All right," but they did not seem to think it was all right; they seemed to say it ironically. Some time later Meeker sent for me again. When I got to the agency Meeker told me that he had sent for me because one of the Indians had shot at one of the employés who was at work. Meeker said that this Indian (who was a brother of Johnson) shot at the employé. The Ute replied that it was not true, because they had been shooting in another direction. The employé said that the balls were passing over his head, and the

Ute had said they were passing over his head, but very high over it, as he was shooting at some rocks on a high hill beyond the employé. That is all that was said about it. Then I heard from the man who had the contract to deliver them that the wagons for me and Douglas and Sawawick were coming to the agency. Meeker sent for me again, and I went again to the agency. Meeker said, "Here are the wagons for the Utes, but I do not think they are good ones; I do not like the color; they are all red." And he told me I had better take an old wagon that was there and leave these. These wagons, as I understood, were supplied by the government. Meeker told me also that the harnesses were not good; that the Ute horses were small and the harnesses were very large, and that that little old wagon was better for me, because the harness that went with it was smaller, and that at some other time, perhaps, the Indians would get some smaller wagons than those new ones. Then Sawawick and I took the small old wagon to our camps to haul wood on it. When we were taking it he told us that we could take it for one month, and then we must bring it back, and when the month was up we took it back. That is all I know about the difficulty. I know nothing about the massacre. I was not near there.

WASHINGTON, *March 20, 1880.*

SAWAWICK, a chief of the Utes, speaking through two interpreters (Ouray and another), testified as follows:

By the CHAIRMAN:

Question. Were you at the fight between the Utes and the soldiers?—

Answer. I was not.

Q. Did you see the soldiers before the fight?—A. Yes; I saw them at Bear Creek, at the time Jack had the talk with them that he has told you about. I was with him at that time.

Q. State what passed between you and Jack and the soldiers on that occasion.—A. As I do not understand any English at all, I do not know anything about what was said at that time.

Q. Do you know anything about the fight?—A. I did not see it, and I know nothing about it.

Q. Do you know anything about the difficulty between Meeker and the Indians at the agency before the massacre?—A. I never had any difficulty with Meeker. I could not talk with Meeker nor Meeker with me, so we had no difficulties.

Q. Tell us what your people said about Meeker.—A. Sometimes the Indians would talk about Meeker and against him, but I never paid any attention to them.

Q. What did the Indians complain of in regard to Meeker?—A. From the talk I heard, the principal difficulty seemed to be about rations. I heard them say that Meeker would not give rations to those Indians that may have come there visiting from other agencies, and also he refused to give them to some of the White River Utes. I heard them say that Meeker claimed that those blankets and shirts and clothing, &c., given them, were given by the government to pay them for their land.

Q. Where were you at the time the fight occurred?—A. About the time that the soldiers were fighting I was at the agency.

Q. Were you there when Meeker was killed?—A. No.

Q. Where had you gone at that time? How came you to leave?—A.

I was there at the agency the same day that Meeker was killed, but I had left the agency and gone home before he was killed, or before there was any trouble.

Q. How far was your house from the agency?—A. It is at the old agency.

Q. What time in the day did the killing of Meeker happen?—A. I ate dinner that day at Meeker's house and left immediately after dinner, so the killing was done after that.

Q. What Indians did you leave there?—A. Douglas was there when I left. There were other Utes there, but Douglas is the only one that I can now remember.

Q. Did Meeker seem to be uneasy or troubled when you left the agency that day?—A. No; it did not seem to me that he was troubled; at least, he did not say anything about it.

Q. What was Douglas doing?—A. I only saw him there; I had no conversation at all with him and I do not know what he was doing.

Q. Did the other Utes that you saw there belong to Douglas's band?—A. It seemed to me that they were Douglas's people that I saw there.

Q. Did you see Johnson there, or leave him there?—A. I did not see him there.

Q. Did you hear of any fighting between the Utes and the soldiers while you were there?—A. No.

Q. Did you see the Meeker women that day?—A. Yes, I saw them.

Q. When and where did you see them next after that?—A. I saw the old lady the next time when she was crossing the Rio Grande. I was not talking with her, but I saw her pass along there.

Q. Was she a prisoner when you saw her there?—A. I believe she could not have been anything else but a prisoner at that time.

Q. Who had charge of her?—A. She was traveling on a horse of Douglas's; whether Douglas had her or not I do not know.

Q. What Indians were with her or near her?—A. It was a traveling camp, and there was a number of people together.

Q. Did you see the other Meeker woman?—A. I did not.

Q. How long did you travel in company with old Mrs. Meeker at that time?—A. I was not traveling with them at all. My camp was behind; I just happened to overtake them as they were crossing the river.

Q. Do you know whose tent the women staid in at night?—A. I do not.

Q. Were you present the day General Adams came to your camp?—A. I did not see the women when Adams went there. Adams came to the camp where the women were, which was ahead of me, and sent the women back to Ouray's place, and then came on to my camp on his way to White River.

The CHAIRMAN [to Ouray]. Is Sawawick one of the chiefs of the Utes?

OURAY. Yes. He had land that he used to cultivate at the old agency.

The CHAIRMAN. Does he belong to Jack's or Douglas's band?

OURAY. Originally both Jack and Sawawick camped at the old agency and had ground there which they cultivated.

Q. [To the witness.] Were you at the camp of the soldiers with Jack at Bear River?—A. Yes.

Q. Did you live there with Jack; and, if so, where did you both go from there?—A. Yes, we came back together. When we left the camp we came back to Baker's store.

Q. Did you afterwards go back with Jack to his camp?—A. We did go back to our camp.

Q. When you got back did you hold a council of war?—A. No.

Q. What did Jack say to the Indians when you got back?—A. Jack went to his house and I to mine, and what Jack may have said to the other Indians I do not know.

Q. Did Jack tell you on your way back to camp what he intended to do?—A. No, he did not tell me that he intended to do anything.

Q. Did the Indians think that the soldiers ought to come over the reservation line?—A. I don't know what they may have thought about it.

Q. Did you see any fire water at the soldiers' camp?—A. No.

Q. Were any of the soldiers drunk or under the influence of liquor?—A. I did not notice that any of them had been drinking.

WASHINGTON, *March 20, 1880.*

JACK recalled and further examined, (Ouray interpreting.)

By the CHAIRMAN:

Question. How many Indians were killed in the fight with the soldiers?—Answer (after a long talk between Jack and Ouray). There was a lot of them, and were lost at the time of the fight, and that we thought were killed, and we counted them among the dead, but some of them came back. There are about nineteen that we know are dead and there are seven yet lacking, and we don't know what has become of them.

Q. How many whites were killed?—A. I don't know. I did not see, and I do not know that I have heard.

Q. When you went back from Bear Creek, after seeing the soldiers there, did you call a council of the tribe?—A. Yes; I called them together and told them what I had said to the officer and what the officer had said to me; that I wanted to go and meet the officers again.

Q. What objection had the Indians to the soldiers going to the agency?—A. I told you before why I did not want them to go in there; that there were no Indians in there to catch; that there were no Indians that had done anything to be arrested for, but that I wanted a few of the officers to go into the agency and talk with the agent and fix it up.

Q. Do you wish to leave Colorado and go to the Uintah Reservation?—A. If my people want to go I am satisfied to go with them.

Q. Do you want an agent to go with them? Do you wish to have an agent or to live without an agent?—A. The reservation is a very small piece of ground to have many agencies on, and there is one there already.

Q. Don't you think that your people could get along without an agent?—A. There seems to be an idea among the whites that all the Indians had a hand in the killing of Meeker. That is not true. It was done by a few. The others had nothing to do with it, and they are willing to go on as they have been going.

Q. Don't you think that your people could get along without an agent?—A. I think it is a good idea to have an agent.

Q. Did you sign this contract with the Secretary of the Interior of your own accord?—A. I did sign it voluntarily, because I was satisfied with it.

The CHAIRMAN (to Ouray). Is there any other Indian now in Washington who ought to be examined or who could give any additional information?

OURAY. No. My Indians know nothing about the business, and there are no others here that know anything about it.

The CHAIRMAN. Are Jack and Sawawick the only two White River Utes here?

OURAY. There are two other White River Utes here.

The CHAIRMAN. Could those two White Rivers tell us anything additional on this subject that we are now investigating?

OURAY (after consulting with Jack). There is one that might know something about it, Henry Jim. He sometimes acted as interpreter for Meeker.

Adjourned.

WASHINGTON, D. C., *March 22, 1880.*

HENRY JAMES, a White River Ute (being examined by Mr. Poehler), testified through an interpreter, that he was employed by the government at the White River Agency for about one year. He used to help in issuing rations and also in interpreting. He does not talk English much, but just enough to help in issuing rations. One trouble which they used to have was that Mr. Meeker would not give rations to visiting Indians—Indians from other agencies. He and three others worked at one time in building a fence for the agent and never got paid for their work. The Indians used to object to Mr. Meeker plowing the land, but Mr. Meeker said it made no difference to them, as the land did not belong to them. This was a nice piece of pasture land where the milch cows used to graze. He did not see any difficulty between Johnson and Meeker. He only heard there had been such a difficulty, but he did not know what it was about. Those Indians who lived near Mr. Meeker would receive rations, but Jack's people and those Indians who lived some distance off would not receive rations. He was not present at the time of the massacre. He was then at his own house at Jack's place, about 15 or 16 miles off. He first saw the soldiers before the fight. It was at Williams Park. It was in the night-time, two days before the fight. There were four Utes and one American with him at the time. This American, he thinks, was employed at the agency, but he is not sure, as he had only seen him a few days before at the agency. He does not know whether the American was killed or not. The American staid with the soldiers. He went to the soldiers' camp; there were three Utes, one American, and himself in the party that left the agency to go to see the soldiers' camp. On the road while going there they saw three more Utes who fell in and went with them. The Indians who went with him were Tonwah, Innayuirque, Pourtave, but he does not know the name of the American. (The name of one of the Utes he met on the road was Freiscatte; the other two the interpreter did not repeat.) The American had a letter for the soldiers, which he had brought from Mr. Meeker. (The interpreter stated that the witness continued to describe the manner in which the letter was handed to the soldier and how he put it on one side.)

Q. Did the Utes go to the soldiers?—A. He went with the American that had the letter.

Q. Were you sent by Meeker to go with him?—A. He was.

Q. How long did he stay with the soldiers?—A. A little while.

Q. Where did he go after that?—A. He came back with a letter. He states that the officer told him that the letter said he was to come on with five more men, but that the officer said he could not do that as his orders were to go on with all.

Mr. AINSLEE. Did he state that in English or in Ute?

The INTERPRETER. He seemed to understand that in English.

Q. Who told him that—the officer in command of the party?—A. He does not know.

Q. Where did he take this letter to?—A. To the agency.

Mr. AINSLEE. I do not understand with whom he had this talk?

The INTERPRETER. He says that the officer told him that. They were all standing there and all heard it.

Q. Where did you first see the women, Mrs. Meeker, Miss Meeker, and Mrs. Price, after the massacre?—A. He saw Mrs. Price in the camp where he was living about two days after the close of it. He saw her on the same day that Meeker was killed—that the killing was done. She was in charge of a Ute named Aboudepuy. She probably passed three nights in his, Aboudepuy's house and then went to his (witness's) house. Mrs. and Miss Meeker were at some other camp.

Q. Whose camp?—A. Douglass's.

Q. Did Mrs. Price stay with you until she was sent away?—A. She staid in his house only one night.

OURAY (the chief) recalled.

By Mr. AINSLEE:

Q. Were or were you not told by persons in Colorado prior to the outbreak that the governor said he would send soldiers in and make trouble with the Utes, and make them give up their lands?—A. Nobody ever told him in that way.

Q. State what anybody did tell you in your own way, about sending the soldiers in or making trouble or getting them off their land.—A. What he heard was what he saw in the paper.

Q. State what you saw in the papers, or learned.—A. He learned from the paper that they were working hard to get the Utes out of Colorado into Indian Territory.

Q. Did he learn they were going to make trouble with them in order to get them out of Colorado?—A. That is the way it looked to him.

Q. Did not the Utes believe that this trouble was brought on in order to get them off their land?—A. They did seem to think that way.

INDEX.

	Page.
Testimony of Charles Adams, special agent Post-Office Department.....	1
William M. Leeds, ex-chief clerk of the Indian Office.....	16
E. A. Hayt, Commissioner of Indian Affairs.....	32, 54
Clinton B. Fisk, member Board of Indian Commissioners.....	43
S. A. Cherry, lieutenant Fifth United States Cavalry.....	62
Josephine Meeker.....	71
Frederick W. Pitkin, governor of Colorado.....	94, 109, 126
James B. Thompson, ex-Indian agent.....	134
William N. Byers, postmaster at Denver.....	147
Henry C. Olney, newspaper publisher.....	164
J. S. Payne, captain Fifth United States Cavalry.....	170
Ouray, chief of the Utes.....	182, 187, 204
Chipita, wife of Ouray.....	191
Jack, a Ute chief.....	191, 194, 202
Sa-wa-wick, a Ute chief.....	200
Henry James, a White River Ute.....	202

